

City Council Chamber, City Hall, Tuesday, December 6, 2005

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, December 6, 2005, Mayor Bill White presiding and with Council Members Toni Lawrence, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Gordon Quan, Mark Ellis, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Mr. Richard Cantu, Director Mayor's Citizens Assistance Office; Ms. Marty Stein, Agenda Director; Mr. Jose Soto, Assistant Agenda Director, present. Council Member Carol M. Galloway absent on city business.

At 2:16 p.m. Mayor Pro Tem Alvarado stated that Council would begin with presentations and called on Council Member Goldberg. Council Member Goldberg invited those with Johnston Middle School to the podium and stated that it was a magnet school for music; and invited the Bells Band Members to play. Ms. Chris Woldy, musical director stated that Johnston had three hand bell choirs; and thanked all for letting them play; and Council Member Goldberg presented the Principal of Johnston for Certificates of Recognition for each bell ringer for their participation. Mayor White, Council Members Wiseman and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Quan stated that the City of Houston was fortunate to have a great asset in the Houston Municipal Channel; that it had been recognized with many awards, national and local awards, and invited Ms. Carol Herrera and her staff to the podium and presented them a Proclamation recognizing their outstanding achievements, congratulated those dedicated city employees who made all proud; and presented them a Proclamation proclaiming December 6, 2005, as "Municipal Channel Day" in Houston, Texas. Ms. Herrera thanked all on behalf of the Municipal Channel; displayed a video of highlights during the award ceremony; and introduced each member of the staff who was present; and thanked all for their support. Mayor White, Council Members Goldberg and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Members thanked them for their help in getting information to the general public and congratulated them all on such prestigious recognition. Mayor White, Council Members Goldberg and Berry absent. Mayor Pro Tem Alvarado presiding.

At 2:38 p.m. Mayor Pro Tem Alvarado called the meeting to order and called on Council Member Green who led all in prayer and pledge. Mayor White, Council Members Goldberg and Berry absent. Mayor Pro Tem Alvarado presiding.

At 2:39 p.m. the City Secretary called the roll. Council Member Galloway absent on city business. Mayor White and Council Member Berry absent. Mayor Pro Tem Alvarado presiding.

Council Members Khan and Quan moved that the minutes of the preceding meeting be adopted. Council Member Galloway absent on city business. Mayor White and Council Member Berry absent. Mayor Pro Tem Alvarado presiding. MOTION ADOPTED.

Council Member Lawrence moved that the rules be suspended for the purpose of hearing Ms. Maureen Mulrooney at the top of the one minute Agenda speakers and to keep all those speaking on the same subject together, seconded by Council Member Khan. All voting aye. Nays none. Council Member Galloway absent on city business. Mayor White and Council Member Berry absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-1161 ADOPTED.

Council Member Garcia moved that the rules be suspended for the purpose of hearing Mr. Richard Reyes, Mr. Macario Ramirez, Ms. Hazel Corley, Ms. Flossie Lewis, Mr. Clifton Despanie, Ms. Poni McElroy to the top of one minute Non Agenda speakers and to be followed by Ms. Maria Jimenez, Ms. Amelia Perez and Mr. Juan Alvarez at the bottom of one minute Non Agenda speakers for one minute, seconded by Council Member Khan; and Council Member Wiseman added to hear Ms. Kristine Larson behind Mr. Jim Cabaniss during the three minute

speakers. All voting aye. Nays none. Council Member Galloway absent on city business. Mayor White and Council Member Berry absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-1162 ADOPTED.

Mr. Stephen Hester, 7000 Regency Square Blvd. #160, Houston, Texas 77036 (713-974-4621) appeared and stated that he worked for the Houston Center for Independent Living and was present to speak on Agenda Item 47 on behalf of people with disabilities; that his concerns were public safety and accountability for funds set aside for the public safety; that they appeared to be moved from the General Fund to Street and Bridge Consolidated Construction Fund and he understood they were being moved back to the General Fund; that their concern was during the time the funds for rehabilitation of concrete pavement were not available for emergency repairs, etc., they were not done timely. Mayor White and Council Member Berry absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Ellis, Mr. Hester stated that many times when people with disabilities needed ramps or cuts they were told funds were not there and the funds were there; that they would love to provide Council with assessments on where ramps, etc., were needed; and Council Member Ellis encouraged Public Works to reach out and contact him and use his resources. Council Members Holm, Alvarado and Berry absent.

Upon questions by Council Member Khan, Mr. Hester stated that he could get him locations for southwest Houston very quickly; that most he worked with used wheelchairs, etc., and were very independent people and could point them out. Council Members Holm, Alvarado and Berry absent.

Council Member Sekula-Gibbs stated that she was wondering if he could work with them on creating a supportive atmosphere in theaters for those hearing impaired; and Mr. Hester stated that he saw difficulties they had and would love working with her to correct it. Council Members Holm and Berry absent.

Council Member Quan stated that in checking the RCA the funds were being transferred from Fund 437; and upon questions, Mr. Hester stated that he did not know what the funds were specifically for, but they were for rehabilitation of concrete pavement; and Council Member Quan stated that he did not know if Mr. Hester had spoken with Ms. Kim King in the Mayor's Office for Persons with Disabilities, but he hoped the city would look into this. Council Members Holm and Berry absent.

Mayor White stated that he spoke on several issues and one with concrete rehabilitation; that he may have received information and to expedite projects if there were not enough funds they may borrow from the General Fund and then have to pay it back; and thanked Mr. Hester for coming. Council Members Khan, Holm and Berry absent.

Mr. Al Vera, 1038 Candle Light Lane, Houston, Texas 77018 (713-956-9310) appeared and stated that he was appointed to the Houston Media Source Board and was Chair; that he was present to say all was on the table and they were looking at operations, policies, etc., and correcting what they felt needed correcting; that they were working for all to be proud of the access channel and had come up with plans; that he was asking for time to show Council what they were putting in place would be an improvement. Council Members Holm and Berry absent.

Council Members thanked Mr. Vera and others on the board for their service; and upon questions, Mr. Vera stated that they tightened procedures by which a producer got a program on the channel, added review steps, made sure training for producers included full knowledge of what the law meant and where their program would fall and that they understood penalties for abusing their rights; and upon questions by Council Member Edwards, Mr. Vera stated that they reviewed operations of Media Source and did not believe they had been out of compliance, but there were ways to do things better; and the committee would be reviewing tapes if they felt the

content needed it according to its category. Council Members Holm and Berry absent.

Mr. Johnny Mata, 2121 Fountainview #D47, Houston, Texas 77057 (832-242-7393) appeared and stated that his concern was parade permits, but what was positive was the Council was adopting an ordinance with specifics; that views were shared with Council Member Goldberg and they felt attendance would pick up; that he felt parades were instrumental in tourism and he would ask for more clarity in issues such as Item C; and arbitration needed to be fair and they needed to know who was doing it. Council Members Holm and Berry absent.

Council Member Garcia thanked Mr. Mata for coming and stated that he had visited with Mr. Mata and Mr. Ducantel on concerns and Council Member Goldberg, the chairman of Regulatory Affairs, had done a lot of work on the issue; that they did want to be fair but Mr. Mata and Mr. Ducantel had made recommendations; and upon questions, Mr. Mata stated that interpretation of when insurance was required was an issue along with the number of blocks for a parade and fees for permit; that the committee did a great job coming to grips, but language needed clarity. Council Members Green and Berry absent.

Mayor White stated that he would be open minded and wanted more parades not less; and thanked Mr. Mata for sharing his thoughts for the best possible ordinance; and Mr. Mata stated that San Antonio had a parade in the morning and another at night and it drew people from all over and they were a good example of what Houston could be; that he saw plans for Houston and they needed to attract more people as it was more money. Council Members Green and Berry absent.

Ms. Maureen Mulrooney, 9819 Vogue, Houston, Texas 77080 (713-461-0766) appeared and stated that the sanctuary policy in the City of Houston was why she was present, it was to give people a place to go such as the victims of Katrina; and Ms. Mulrooney's time expired. Council Members Green and Berry absent.

Council Member Quan stated that Houston had no sanctuary policy and had not even passed a resolution to provide safe haven and he had followed this for 20 years; that he thanked her for her concern, but Houston did work with Immigration and authorities; that he did not want Houston police to ask whether he was a citizen or not and they did have a policy only as to Class C misdemeanor and below, but anything above that they did go to Immigration to make sure whether they were in violation of any immigration laws; that immigration was a civil offense and not criminal and therefore not of a major incident they would enforce; that a record number of Immigration officers were hired and trained to follow and enforce that law, but it was not what Houston officers were trained to do, but they were trained on defecating in public places, disturbances, loitering, etc. Council Member Berry absent.

Council Member Ellis stated that what Council Member Quan said was true a resolution had never been passed at City Hall designating the city as sanctuary, but a general order was out which prohibited police officers from asking individuals who created a Class C misdemeanor whether or not they were here illegally or not and that created the appearance of a sanctuary city; and at a meeting last night it was clear people wanted the order rescinded so officers would investigate whether someone was here illegally or not once a Class C was committed. Council Member Berry absent.

Mayor White stated that as a point of personal privilege he rarely missed the public session, but his mother was hurt today and he would be leaving in a short time to check on her at the hospital, though he meant no disrespect to anyone by leaving. Council Members Goldberg and Berry absent.

Mr. Richard Reyes, 241 W. 19th, Houston, Texas 77009 (713-880-2420) appeared, presented information and stated that he wanted to thank Council Members Quan, Garcia and Alvarado for their assistance in various things and thanked all for allowing the use of the George

R. Brown for Christmas as many youth would have a good Christmas because of their positive action. Council Members Goldberg and Berry absent.

Council Member Garcia stated that this was Mr. Reyes 24th year and he thanked him for helping so many young people. Council Members Goldberg and Berry absent.

Council Member Alvarado stated that Mr. Reyes was known as Pancho Clause and she was a part of his production as a teenager; that he brought a lot of joy and she thanked him. Council Members Goldberg, Wiseman and Berry absent.

Mr. Macario Ramirez, 241 W. 19th, Houston, Texas 77009 (713-880-2420) appeared and stated that he was chairman of the steering committee which helped Mr. Reyes, Pancho Clause, and he was present to thank the co-chairs Council Member Garcia, Council Member Alvarado and Council Member Quan and Constable Victor Trevino; that they were trying to raise money to have a year round program for Pancho Clause. Council Members Goldberg and Berry absent.

Council Member Quan stated that Mr. Ramirez had a wonderful shop in the Heights; and he thanked him and all those on the committee for bringing a smile and understanding of others to children. Council Members Lawrence, Goldberg and Berry absent.

Ms. Hazel Corley, 7125 Sidney, Houston, Texas 77021 (713-748-8720) appeared and stated that she was present to thank Council Members and the Mayor for their assistance, the referrals given on her last visit allowed the organization to get a great start as well as a partnership with another community organization and they would be able to serve the community in a great way, but they saw the need for HIV and AIDS awareness, etc., and she was asking for any available help. Council Members Khan and Sekula-Gibbs absent.

Council Member Edwards stated that her office would be in contact and see how they could assist in her efforts. Council Members Khan and Sekula-Gibbs absent.

Ms. Flossie Lewis, 6821 Driftwood, Houston, Texas 77021 (713-748-0332) appeared and stated that she was president of Foster Place Civic Club and they had come to ask for help with the grounds around Foster Elementary School and they did help with one part and were wanting help with others, but today came to thank Council Members for all their assistance. Council Members Sekula-Gibbs and Green absent.

Council Members thanked Ms. Lewis for her works. Council Members Sekula-Gibbs and Green absent.

Upon questions by Council Member Khan, Ms. Lewis stated that she was from Arkansas and did not carry any birth certificate or passport with her. Council Members Sekula-Gibbs and Green absent.

Ms. Mary J. Vague, 726 Brittmoore, Houston, Texas 77079 (713-464-3028) appeared and stated that she was president of Memorial West Republican Women and present to ask Council Members who had not done so to sign the proposition to resend the Houston sanctuary ordinance and allow it on the Agenda. Council Members Alvarado, Sekula-Gibbs and Green absent.

Council Member Lawrence stated that this was a general order not an ordinance; and thanked her for coming and expressing her feelings. Council Members Alvarado, Sekula-Gibbs and Green absent.

Mayor White stated that a lot of citizens were frustrated by what they considered the lack of attention in Washington on issues of immigration; that this body did have a policy of not doing

things by advisory resolutions; and there were issues of immigration policy which were fair game and where people crossed the political spectrum and there should be a national debate; and when it came to use of police resources to do anything other than respond to citizens calls for service and investigate crimes he wanted to make sure they did not get taken off responding to Code one, Code two and investigations and he was going to give a lot of deference to law enforcement officers where they gave them criteria to respond to calls for service and investigate crime and would resist things which pulled them away from that; and this policy was not immigration, but law enforcement priorities, but he did welcome their contributions to all issues. Council Member Green absent.

Ms. Marcia Mead, 14500 Cutten, Houston, Texas 77069 (281-580-4133) appeared and stated that she supported what Council Member Ellis was trying to attempt; that the legal immigration was a hot issue here and if officers would have questioned some illegal's who they stopped previously some girls would be alive today; and she wanted all levels of government to come together. Mayor White and Council Member Green absent. Mayor Pro Tem Alvarado presiding.

Council Member Khan stated that all agree immigration law should be enforced and federal government had failed, but it was federal law, he came to this country as an immigrant and was proud to be accepted and he got his citizenship, but if she was driving and stopped by an officer should she be asked for her papers and did she carry her passport with her; and Ms. Mead stated no, as she was a citizen; and Council Member Khan stated that the officer did not know that she was an American citizen and he had to make a judgment on who he should ask, assuming they did not want racial profiling in Houston should the officer only ask someone like him or someone like Council Member Ellis also; and if no birth certificate or passport was produced at that point then they should go to immigration and produce it; and then should it be asked only of drivers or should it be from someone walking or going to the library, etc., those are questions he hoped Council Member Ellis could answer as he was promoting this, but no one wanted people without proper documentation in communities and federal government should enforce it; that if they wanted to give the city resources and train officers necessary then they would; and Council Member Khan yielded to Council Member Ellis who stated a bill was now pending to provide resources for local law enforcement agencies to assist in enforcing immigration laws; and upon questions, Council Member Khan stated that the start was proper resources, but he still had questions; and Council Member Ellis stated that if you were driving and pulled over and they saw your drivers license they would write you a ticket, but if you did not have one they would ask if you were a citizen and if you said no, they would ask if you were legal and if yes, you would still get a ticket; and Council Member Khan stated that if you had a drivers license and were still illegal then it was okay; and Council Member Ellis stated no, but it would be proof of citizenship; and Council Member Khan stated that a drivers license was not proof you were here legally or born in this country. Mayor White and Council Members Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Ms. Patricia Mancuso, 10142 Hazelhurst, Houston, Texas 77043 (713-461-7762) appeared and stated that the Supreme Court confirmed state and local police were free to arrest illegals and in the policy section of general order 505 it stated illegal status was not in itself a matter for local police and it was ludicrous to tie hands of police with crime escalating. Mayor White and Council Member and Green absent. Mayor Pro Tem Alvarado presiding.

Council Member Garcia thanked Ms. Mancuso for coming and stated that when you work to enforce this legislation it was complicated and she could also be tagged an illegal immigrant and she would not have proper documentation on her; and Ms. Mancuso stated that she was an immigrant and carried her passport; and Council Member Garcia stated that was not proof of citizenship, there were fraudulent documents throughout; that there was a push for years for the drivers license to address this, but there were problems in addressing this at local level and the city had looked at it for 20 plus years, but it was complicated; that they did not dispute control of the borders should be done, but it should be done by the federal government. Mayor White and

Council Member and Green absent. Mayor Pro Tem Alvarado presiding.

Ms. Wanda Sisco-Schultz, 3520 Bellaire, Texas 77025 (713-667-8270) appeared and stated that blood was spilled at the altar of political correctness, how much more, the welcome mat was the sanctuary policy; that people were mad and they would put an end to it even if it had to be done by referendum; that she also brought a questionnaire signed by Council Member Green showing he was in favor of HPD fully cooperating with INS. Mayor White and Council Member and Green absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Ellis, Ms. Sisco-Schultz stated that it was outrageous her friend was killed by the railroad killer and she was leaving the memo for Council Member Green to refresh his memory; that she was encouraging Council Members to sign off on a resolution rescinding general order 500-05 and allow police officers to investigate immigration status on a Class C misdemeanor or higher. Mayor White and Council Member and Green absent. Mayor Pro Tem Alvarado presiding.

Council Member Quan stated that there was a Constitution of the United States and they had a government which said unless it was kept by the federal government it was up to the local government and immigration was reserved for the federal government by the Constitution and it was not a matter locally, that the deputy director of immigration enforcement service was in Houston and he asked him if HPD was not cooperating with them and what more could they do and he said the Houston Police Department was cooperating with their services; that also the national police organization spoke out against having local police trying to enforce immigration laws and the national sheriffs association had written letters against such a law; that they were asking not to do this because it was not their jurisdiction, it was not their domain and they had no resources to do so; that the National League of Cities, 18,000 cities, had spoken out against such a bill and they were not trying to violate the law, they were trying to enforce the law and with limited resources. Mayor White and Council Member and Green absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Khan, Council Member Quan stated that he was not born in this country and he did not carry his birth certificate or his passport; and if Council Member Ellis did have his way and he was stopped he would be arrested and taken to jail. Mayor White and Council Member and Green absent. Mayor Pro Tem Alvarado presiding.

Mayor Pro Tem Alvarado stated that she was enforcing the five minute rule and Council would be staying on track. Mayor White and Council Member and Green absent. Mayor Pro Tem Alvarado presiding.

Council Member Edwards stated that she would remind all of the position Council had taken on interfering with federal legislation and policies, they made a rule they would not be doing a resolution to do anything outside their legislation. Mayor White and Council Member and Green absent. Mayor Pro Tem Alvarado presiding.

Mayor Pro Tem Alvarado stated that she would just like a civil discussion, have a speaker come up and Council Member ask a question, but respect one another. Mayor White and Council Member and Green absent. Mayor Pro Tem Alvarado presiding.

Mr. Eric Story, 8008 Eastern Bluebird, Humble, Texas 77396 (281-536-3783) appeared and stated that as an American citizen and area resident he was concerned with the message the current policy gave which was saying citizens of other countries could break our laws; that Houston would protect them, but there were laws to protect and Houston Council Members needed to reconsider and rescind the policy. Mayor White and Council Member and Green absent. Mayor Pro Tem Alvarado presiding.

Council Member Holm stated that she was embarrassed with Council Members behavior,

the purpose of Tuesday afternoon was so citizens could come before Council and share their opinion and views and Council Members had five minutes to pursue their intent, but repeatedly week after week she watched as Council Members put their personal agendas forward and hour after hour citizens sat and waited and followed rules; and she appreciated the Mayor Pro Tem Alvarado trying to follow the rules and Council Members also needed to respect the citizens of Houston. Mayor White and Council Member and Green absent. Mayor Pro Tem Alvarado presiding.

Mayor Pro Tem Alvarado stated that in keeping with Council rules, they basically stated there would be no applause or outburst from those in the audience. Mayor White and Council Member and Green absent. Mayor Pro Tem Alvarado presiding.

Mr. Peter Goedicke, 4901 Floyd #14, Houston, Texas 77007 (713-862-7697) appeared and stated that he thanked Council Member Ellis for moving on the issue to remove the order and Council Member Holm for supporting it; that when he traveled in Europe he carried his passport and a foreigner in this country should do the same; that they were also not talking about stopping someone on the street, but criminals; and police did not have to go into hours of investigation to ask if someone was illegal. Mayor White and Council Member and Green absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Wiseman, Mr. Goedicke stated that he would like the order rescinded and an attempt should be made to see if a criminal was a citizen; and Council Member Wiseman stated that she agreed with his concern; and while it was federal and outside the city jurisdiction, their law enforcement took an oath to uphold laws of the United States, Texas and City of Houston and they needed them to do that. Mayor White, Council Members Goldberg, Edwards, Holm, Garcia and Green absent. Mayor Pro Tem Alvarado presiding.

Ms. Bernadette McLeroy, 5603 Arborwood, Houston, Texas 77007 (713-683-0829) appeared and stated that her concern was who was living next door; that she was an immigrant and when she crossed the border she better have the right papers, but those coming who did not have the right papers should not be afforded the same rights. Mayor White, Council Members Goldberg, Edwards, Holm and Green absent. Mayor Pro Tem Alvarado presiding.

Council Member Quan moved that the rules be suspended for the purpose of adding Mr. David Meeker Williams, Mr. King Grossman, Ms. Rebecca Schneider, Ms. Terri Brown and Father Kevin Collins to the list after Ms. Kristine Larson, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Galloway absent on city business. Mayor White, Council Members Goldberg, Edwards, Holm and Green absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-1163 ADOPTED.

Mr. A. P. Paul, 15718 Seavale, Houston, Texas 77062 (281-486-4621) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Goldberg, Edwards, Holm and Green absent. Mayor Pro Tem Alvarado presiding.

Mr. Sibley Cooley, 1910 Missouri, Houston, Texas 77019 (281-776-6749) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Goldberg, Edwards, Holm and Green absent. Mayor Pro Tem Alvarado presiding.

Mr. Roy Morales, 10 Oak Court #3103, Houston, Texas 77006 (713-520-7825) appeared and stated that one of the most important issues of the nation and city was illegal immigration and he was talking about more than immigrants from Mexico because they were from many other places, and most disturbingly from the Middle East, but the community wanted to rescind general order 500-5; that they did not want police going on a witch hunt, but if someone was stopped who had broken the law they wanted their immigration status asked. Mayor White, Council Members Goldberg, Wiseman, Holm and Green absent. Mayor Pro Tem Alvarado presiding.

Council Member Lawrence extended Mr. Morales time by one minute; and Mr. Morales stated that it was perceived Houston was a sanctuary city and that was why there was problems with crime, graffiti and deadly diseases coming from the jungle and why they were burdened in the hospital district and school districts financially; that they needed a program set up to help people come here properly and safely. Mayor White, Council Members Goldberg, Wiseman, Holm, Quan and Green absent. Mayor Pro Tem Alvarado presiding.

Ms. Jeanne M. Slaydon, 12314 Mossycup, Houston, Texas 77024-4907 (713-468-4993) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Goldberg, Wiseman, Holm, and Green absent. Mayor Pro Tem Alvarado presiding.

Ms. Maria Jimenez, 7605 Sherman, Houston, Texas 77011 (713-271-9703) appeared and stated that she was present to speak on a public safety issue and that was the need to support the order and not rescind it; that all residents of Houston had a right to public safety and access to police protection and services and if people feared calling police they were discriminating against a large part of this city, and not only discriminating but leaving people open for criminal elements to prey upon certain communities; and for them the issue of the order was for safety and they were asking all to support it as did law enforcement bodies who said this was not less enforcement, but more effective law enforcement. Mayor White, Council Members Goldberg, Wiseman, Holm, and Green absent. Mayor Pro Tem Alvarado presiding.

Mayor Pro Tem Alvarado stated that Ms. Jimenez worked years in the community trying to improve relations with Houston's diverse communities and the Houston Police Department and this policy came about in the early 1980's when many cities at the time had confrontations within police departments and communities; and upon questions, Ms. Jimenez stated that this order was a result of people within the Police Department who worked to insure it became an order, it was during the period Chief Lee Brown was in office and they worked to make sure it existed as they said it was more effective law enforcement in the pursuit of crime. Mayor White, Council Members Goldberg, Holm, and Green absent. Mayor Pro Tem Alvarado presiding.

Council Member Garcia stated again they needed to emphasize how old the issue was and that many local bodies had worked on the issue; that frontline officers helped to devise where they were in terms of policy; and Ms. Jimenez stated that if this was rescinded would a woman being battered be in fear of calling officers if she felt results would be her being turned over to immigration and deported. Mayor White, Council Members Lawrence, Goldberg, Khan, Holm, and Green absent. Mayor Pro Tem Alvarado presiding.

Ms. Amelia Perez, 1407 Alabama, Houston, Texas 77004 (832-527-4583) appeared and spoke in Spanish and as translated stated that she was present to speak on the issue of public safety and service and while there was much questioning of undocumented immigrants she questioned their contributions of tending crops, restaurants and other works. Mayor White, Council Members Lawrence, Goldberg, Edwards, Khan, Holm, and Green absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Wiseman, Ms. Perez had stated she had the right to remain silent as to whether she was a U. S. citizen or legal resident; and Council Member Wiseman stated that while it was true immigrant workers provided many services, they should be legal immigrants, and the concern whether a woman who may be abused may not call for support because she was fearful she would be deported, if she was committing a crime herself chances were you would not want to report a crime being committed against you and you needed to look at should you yourself be committing a crime; that law enforcement here enforced federal drug laws and if people were afraid of being pulled over because they were in possession of illegal narcotics had every reason to be fearful. Mayor White, Council Members Lawrence, Goldberg, Holm and Green absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Quan, Ms. Jimenez stated that there were many studies and all concluded that the impact of illegal immigrants was economic benefit; that it did not drain resources or take jobs away from those here legally; and Council Member Quan stated that the report he had from the Urban Institute was if you added 10% immigrants it only took 1% of jobs away from the native population and actually created more jobs for the native population. Mayor White, Council Members Lawrence, Goldberg, Holm and Green absent. Mayor Pro Tem Alvarado presiding.

Council Member Sekula-Gibbs stated that she wanted to know if they had a comment on Section 5 of what Council Member Ellis was trying to have passed, such as on proof of U. S. citizenship being required before any individual could be allowed any social services as her concern was services would include response to 911 ambulance or police; and Ms. Perez stated that they all contributed with their taxes and all had a right to dignity and all had rights under the U. S. constitution; and Council Member Sekula-Gibbs stated that generally speaking when you were in a crisis it was the time you were least prepared to have papers with you regardless of who you were, you usually did not have you insurance papers, drivers license and least of all passport and as a physician it was a concern; and Ms. Perez stated that all people paid taxes and had a right to services, they were all human beings. Mayor White, Council Members Lawrence, Goldberg, Khan, Holm and Green absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Edwards, Ms. Jimenez stated that whether legal or illegal if someone was working here FICA, social security, all taxes were taken out of their checks, and went to the U. S. Treasury and everyone also paid city and sales taxes and when an undocumented worker went back to wherever they were from it was not refunded, there was a story in the New York Times last year that seven billion dollars were left in the U. S. Treasury yearly and they supposed it was undocumented immigrants. Mayor White, Council Members Lawrence, Goldberg, Khan, Holm and Green absent. Mayor Pro Tem Alvarado presiding.

Mr. Juan Alvarez, 402 Busch, Houston, Texas 77061 (832-282-6997) appeared and stated that he was with the Latin American Organization for Immigrant Rights and he had worked with the community for years on a relationship with the police department and with the Hispanic community things were much better now, they had a good relationship with them and they could call and report a crime, but if the order was removed and someone saw something happening at your home and they did not have correct papers they would not call; that he felt they were playing politics with the Hispanic community and they had rights also and should not be put into such a position. Mayor White, Council Members Lawrence, Goldberg, Holm and Green absent. Mayor Pro Tem Alvarado presiding.

Council Member Garcia stated that they had been on a little bit on different sides of the fence and he believed officers should respond and investigate when called and there was concern on how they engaged in their investigation, but many did not realize that now if a person was arrested as officers filed criminal charges they did make determination whether someone was legal or illegal, that was a part of the criminal processing and the two of them agreed on that point, but his concern was more on when they said enforce immigration laws and continued to express his concerns. Mayor White, Council Members Lawrence, Goldberg, Holm, Quan and Green absent. Mayor Pro Tem Alvarado presiding.

Council Member Sekula-Gibbs stated that President Bush had made immigration reform a very important part of his legislative package recently and that indicated how important it was everywhere, not just border states, but what concerned her was if they denied services to a certain group of people they may have chaos in this city. Mayor White, Council Members Lawrence, Holm, Quan and Green absent. Mayor Pro Tem Alvarado presiding.

Mayor Pro Tem Alvarado stated that she wanted to explain for those in the Chamber

audience that the five minute Council rule did not mean each Council Member had five minutes, they had five minutes combined; and she would ask her colleagues for those Council Members present that with a five minute collective time to please be respectful and not consume the whole time. Mayor White, Council Members Lawrence, Holm, Quan and Green absent. Mayor Pro Tem Alvarado presiding.

Mr. Phil Coker, 77 E. Edgebrook Drive #115, Houston, Texas 77034 (713-910-0356) appeared and stated that he was a professional arborist and owner of a tree service and he was obligated to follow standards and procedures; that he followed the rule of law and as elected members of the City of Houston they were obligated to follow laws. Mayor White, Council Members Lawrence, Holm, Quan and Green absent. Mayor Pro Tem Alvarado presiding.

Council Member Sekula-Gibbs stated that she agreed laws should be followed, but she had concerns of selectively providing services to people they believed may or may not have proper papers, but she would also say along the border she heard of a worse case scenario where there was a situation of a rancher having an undocumented worker coming through the ranch and Immigration was called and came and there was an altercation, the undocumented worker was hurt and sued the rancher for a very large amount of money and prevailed and she felt that was a miscarriage of justice and why so many were saying they had enough so property rights needed protecting and so did people who were following rules and the law, but again to make sweeping changes which would put many lives in jeopardy she would hope something could be done, but some were politically grandstanding, but she did respect what the President was trying to do and thought his lead should be followed. Mayor White, Council Members Lawrence, Holm, Quan and Green absent. Mayor Pro Tem Alvarado presiding.

Council Member Ellis stated that this body was supposed to bring forth good public policy and allow professionals underneath them to figure out how to implement the policy, unfortunately some sat around this body and did not want to say their true feelings; and extended Mr. Coker's time by one minute; and Mr. Coker further stated that this country had laws and Council Members were entrusted by citizens of Houston to enforce the law and playing shell games with words was cowardly and they needed step forward. Mayor White, Council Members Lawrence, Edwards, Holm, Quan and Green absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Wiseman, Mr. Coker stated that they should support and rescind the general order;; and Council Member Wiseman stated that if there was a fire they would go put it out and then if they were engaged in criminal activity it could be taken care of. Mayor White, Council Members Lawrence, Holm, Quan and Green absent. Mayor Pro Tem Alvarado presiding.

Ms. Kimberly Wagner, 12655 Kuykendahl #8306, Houston, Texas 77090 (281-877-0513) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Khan, Holm, Quan and Green absent. Mayor Pro Tem Alvarado presiding.

Mayor Pro Tem Alvarado stated that she would remind her colleagues there were other issues such as affordable housing, loose dogs, etc., and she hoped all would be able to stay. Mayor White, Council Members Lawrence, Khan, Holm, Quan and Green absent. Mayor Pro Tem Alvarado presiding.

Ms. Louise Whiteford, 2431 Nantucket, Houston, Texas 77057 (713-706-3546) appeared and stated that she wanted to address a serious problem in the United States, they were headed toward a North American union with a perimeter around North America without any boundary at the United States and Mexico; that the federal government was doing nothing about the border because the position was nothing needed to be done because they were headed toward a North American Union and she wanted Council to look at the projection of growth by

US census figures, they could not keep bringing people in and the immigration problem needed to be stopped; that she was probably the only person in the room which had gone through hours of psychological testing to determine if she was fit to raise her niece and she was sure if she was a racist the court would have rejected her; that she also had a Hispanic son-in-law and granddaughter part Alaskan, but in a society they needed a rule of law and the federal government was not providing it. Mayor White, Council Members Lawrence, Khan, Holm, Quan, Sekula-Gibbs and Green absent. Mayor Pro Tem Alvarado presiding.

Council Member Garcia stated that Ms. Whiteford hit it on the head and the federal government needed to step up to the plate and do something about it; that there was a labor demand in this country and they did depend on other countries to provide that, but it was important to maintain a focus on the core of city services within the city and if focus was lost and directed elsewhere then it was a bigger problem. Mayor White, Council Members Lawrence, Wiseman, Khan, Holm, Quan, Sekula-Gibbs and Green absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that stats she had stated most undocumented workers came here to work and not to hangout, if they made the employer a partner in this, if it was illegal to hire an undocumented worker would it help; and Ms. Whiteford stated that it was illegal, but the federal government did not enforce it; and Council Member Edwards stated that she thought all the partners had to be looked at and not just the worker, but the employer. Mayor White, Council Members Lawrence, Wiseman, Khan, Holm, Quan, Sekula-Gibbs and Green absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Alton Smith, 6421 Tarna Lane, Houston, Texas 77074 (281-799-4186) appeared and stated that he was present to speak on the unusual sanctuary and his support for the rescinding of general order 500-05 as proposed by Council Member Ellis; that this was about a rule of law whether civil or criminal offense it was for Council to decide and after 20 years he thought it could have been made by now; that they could not at any time have a good and necessary law cast into the streets and become seed for destruction and lawlessness just for the sake of political correctness; and he urged Council to support Council Member Ellis's resolution. Mayor White, Council Members Lawrence, Wiseman, Khan, Holm, Quan, Sekula-Gibbs and Green absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Michael Berger, 6530 Westview, Houston, Texas 77055 (713-686-7034) appeared and stated that he was present to support Council Member Ellis's amendment on immigration referral. Mayor White, Council Members Lawrence, Wiseman, Khan, Holm, Quan, Sekula-Gibbs and Green absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Jim Cabaniss, 11811 North Freeway #500, Houston, Texas 77060 (281-591-4705) appeared and stated that he sat almost four hours waiting for people to speak and was an American veteran and they brought a foreigner to speak ahead of him and he was upset, but he was representing the American Veterans of Domestic Defense today and General Ray Davis challenged all veterans to help the nation do an about face and they were carrying out his challenge and formed the group he was representing; that the way the borders were being handled and illegal's coming across nightly was one of the enemies; and challenged Council Members to do something and suggested they join Council Member Ellis on his proposal, enforce federal laws, shut down day labor sanctuaries and withdraw Houston as a sanctuary city. Mayor White, Council Members Lawrence, Wiseman, Khan, Holm, Quan, Sekula-Gibbs and Green absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Kristine Larson, 3010 Summit Fall Court, Kingwood, Texas 77345 (832-423-0565) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Wiseman, Khan, Holm, Quan, Sekula-Gibbs and Green absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. David Meeker Williams, who had previously been added to the speakers list, appeared and stated that this was not about sanctuary or political correctness but about public safety for citizens in Houston and the proposed resolution made good political sense and bad public policy; that people would be less safe if the order was rescinded, with no trust in police witness would not come forward. Mayor White, Council Members Lawrence, Wiseman, Khan, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Garcia stated that it was about public safety and all kept pointing to the southern border as the only problem when it was really throughout; that people wanted to look for the obvious and it was harmful and hurtful and not good public policy; that more crimes were solved because the Houston Police Department had worked to improve its image as an international city and now some wanted that spirit killed; and Mr. Williams stated that there was an incident last week at Lee High School and officers said they needed the policy in place because without it matters would be worse, but people were not listening. Mayor White, Council Members Wiseman, Khan, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. King Grossman, previously added to the speakers list, appeared and stated that he was not in support of changing the current policy and would echo the law enforcement that their ability to enforce safe communities was with help of people coming forward; that they needed migrant worker and immigration reform and the proposed amendment was a very bad way to go about changes and you would end up with racial profiling. Mayor White, Council Members Wiseman, Khan, Holm, Ellis, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that she heard a lot of myth and suggested that they have a briefing either from the Police Chief regarding police position on the issue and also from immigration officials as to whether they were or were not good partners and substance come through the Mayor's Report. Mayor White, Council Members Wiseman, Khan, Holm, Ellis, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Rebecca Schneider, previously added to the speakers list, appeared and stated that she was present today to strongly oppose the rescinding of the sanctuary as it was a public safety hazard; that she was a member of St. Ann's and had a lot of contact with immigrants and they had a strong mistrust of police and if they did not want crimes reported the best thing to do would be to rescind and allow crime to be more rampant; that another implication was health and it would be a health hazard as many people had communicable diseases and without being treated the public at large would be put at risk. Mayor White, Council Members Lawrence, Wiseman, Khan, Holm, Ellis, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Terri Brown, previously added to the speakers list, but was not present when her name was called. Mayor White, Council Members Lawrence, Wiseman, Khan, Holm, Ellis, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Father Kevin Collins, previously been added to the speakers list, appeared and stated that he was pastor of Immaculate Conception Church and member of TMO and was present to speak against placing the proposed amendment on the Agenda; that it was a bad resolution and bad public policy and bad for public safety; that he also wanted to make Council Members aware that Bishops called for a National Migration Week during January 8 through January 14, 2005, and quoting from them, "From its founding to the present the United States remains a nation of immigrants grounded in a firm belief that new comers offer new energy, hope and cultural diversity; and their common faith in Jesus Christ moves us to search for ways to favor a

spirit of solidarity, it transcends borders to overcome all forms of discrimination and violence that they may build relationships just and loving." Mayor White, Council Members Lawrence, Wiseman, Khan, Holm, Ellis, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Garcia stated that true leadership was needed on the issue; that he did not believe he ever spoke against one of his colleagues, but he found it a bit shameful to create hysteria and anxiety and fear and then not stick around to be a part of the debate; that when he became a Council Member he jumped on important issues which affected his district and the city and hopefully would be able to work through them over his years, but it was disheartening to come at the end of a career rather than at the beginning when there could have been meaningful discussion; that this body had a responsibility on services and lives were in the balance and he felt this was hurtful; and Father Collins stated that the police captain in his area said to him he felt the proposal would be bad policy and make officers work more difficult.. Mayor White, Council Members Lawrence, Wiseman, Khan, Holm, Ellis, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Father Collins stated that most immigrants came to this country to work for a better life; and Council Member Edwards stated that information she had said 60% of immigrants came through the Mexico border, but 40% to even 50% came through work visas and student visas and then just stay; and upon questions, Father Collins stated that he understood some did come in that way and stayed beyond, but he did not hear of anyone talking about sending them back. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Khan, Holm, Ellis, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated to make a note after the media left and the glamorous issue was through there were only four Council Members left for all other concerns; and she would like to make sure the public was aware of that. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Khan, Holm, Ellis, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Richard Freeman, 121 Riggs Road, Houston, Texas 77022 (no phone) appeared and stated that there was an international committee of Councilmen and women, that was how he felt, and he put in 20 years with the bus company and the pension board did a terrible job of reviewing his case; that many international people's money went through the fair box on the bus and they were owed some respect; that he would also like to get \$70.00 or \$80.00 on pension money; that he appreciated being able to come speak and wished all a Merry Christmas. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Khan, Holm, Ellis, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mr. Freeman stated that he worked with the Houston Transit Authority; that he called the review board and had worked from 1949 through 1969; and Council Member Edwards stated that she would encourage him to talk with the METRO Board and if necessary she would have no problem making a call on his behalf to see if they would speak to him about his pension issue; and Mr. Freeman stated that he would appreciate it, but he was not too good with committees; and Council Member Edwards stated that was all she would be able to do. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Khan, Holm, Ellis, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Sue Kinney, 2225 Aldine Bender #708, Houston, Texas 77060 (no phone) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Khan, Holm, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Johnnie Brown, 3401 Fannin, Houston, Texas 77004 (713-366-6454) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Khan, Holm, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Ricky Black, 7805 Hillmont, Houston, Texas 77040 (713-690-4288) appeared and stated that he had lived in Houston 23 years and needed morphine pumps; that he could not get anything for pain for his Cancer in his legs; and was asking for help. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Khan, Holm, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Alvarado, Mr. Black stated that he received disability benefits, but needed something for pain; that he had it 24 hours a day and needed someone to care; that he needed morphine. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Khan, Holm, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that the Center for Independent Living may be able to get him proper medical care and she did not know of anyone else to refer him to; and Mayor Pro Tem Alvarado stated that they would appreciate Mr. Cantu getting the information to Mr. Black. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Khan, Holm, Garcia, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr./Coach R. J. Bobby Taylor, 3107 Sumpter, Houston, Texas 77020 (202-FA3-4511) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Khan, Holm, Garcia, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Calvin Steinberg, 11434 Sandstone, Houston, Texas 77072 (281-495-9832) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Khan, Holm, Garcia, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Jacob Klementich, 4387 Fiesta, Houston, Texas 77004 (832-722-4113) appeared, presented a newspaper, The Leader, and stated that there was a story of him on the front page with his mental health therapist; and he felt he had an obligation to promote people who advertised in that paper. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Khan, Holm, Garcia, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Edwards congratulated Mr. Klementich and stated that if she ever needed anyone on her team he would be one; and Mr. Klementich stated that she was also fantastic. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Khan, Holm, Garcia, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs thanked Mr. Klementich for coming and bringing them the information; and upon questions, Mr. Klementich stated that the Paralympics in Las Vegas would be held December 15 through December 18, 2005 with 20 countries participating; and Council Member Sekula-Gibbs wished him the best. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Khan, Holm, Garcia, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Clifton Despanie, 701 T. C. Jester #1304, Houston, Texas 77008 (713-206-2931) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Khan, Holm, Garcia, Quan, Green and Berry absent.

Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Poni Mcelroy, 3307 Wentworth, Houston, Texas 77004 (713-523-7248) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Khan, Holm, Garcia, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Khan, Holm, Garcia, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Ovide Duncantel, 2900 Woodridge #311, Houston, Texas 77087 (713-245-9598) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Khan, Holm, Garcia, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Joseph Omo Omari, 2820 Palm #2B, Houston, Texas 77004 (832-767-0870) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Khan, Holm, Garcia, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

President Joseph Charles, Post Office Box 524373, Houston, Texas 77052-4373 (832-453-6376) appeared and stated that he was the official U. S. President; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Khan, Holm, Garcia, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Senator Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated that he was God; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Khan, Holm, Garcia, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

At 5:39 p.m. City Council recessed until 9:00 a.m., Wednesday, December 7, 2005. Council Member Galloway absent on city business. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Khan, Holm, Garcia, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, December 7, 2005

The Houston City Council reconvened at 9:00 a.m. Wednesday, December 7, 2005, with Mayor Bill White presiding and with Council Members Toni Lawrence, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Ronald C. Green, Shelley Sekula-Gibbs, M.D. and Michael Berry; Mr. Anthony Hall, Chief Financial Officer, Mayor's Office; Mr. Arturo Michel, City Attorney, Mr. Don Cheatham, Senior Assistant City Attorney-Division Chief; Ms. Marty Stein, Agenda Director and Mr. Jose Soto, Deputy Agenda Director present.

At 8:28 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:30 a.m. Mayor White reconvened the meeting of the City Council

## **MAYOR'S REPORT**

## **CONSENT AGENDA NUMBERS 1 through 47**

**MISCELLANEOUS** - NUMBERS 2 through 7

2. REQUEST from Mayor for confirmation of the appointment of **MS. GLORIA BELMARES RANGEL**, to Position Five of **HOUSTON MEDIA SOURCE BOARD OF DIRECTORS**, for an unexpired term ending December 31, 2006 - had been pulled from the Agenda by the Administration, and was not considered. Council Members Wiseman and Quan absent.
3. REQUEST from Mayor for confirmation of the appointment of **MR. DAVID SAM, (North Harris Montgomery Community College District Representative)** to Position 8 of the **GREATER GREENSPPOINT REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for a term to expire August 31, 2007 – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Members Wiseman and Quan absent. MOTION 2005-1164 ADOPTED.
4. REQUEST from Mayor for confirmation of the appointment of **MR. CARLOS GARCIA, II, (Harris County Representative)** to Position Six of the **GULFGATE REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for a term to expire December 9, 2006 – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Members Wiseman and Quan absent. MOTION 2005-1165 ADOPTED.
5. REQUEST from Mayor for confirmation of the appointment of **MR. FELIX CISNEROS**, to Position Seven of the **BOARD OF DIRECTORS of REINVESTMENT ZONE NUMBER FOURTEEN, CITY OF HOUSTON, TEXAS, also known as FOURTH WARD**, for a term to expire June 8, 2006 – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Members Wiseman and Quan absent. MOTION 2005-1166 ADOPTED.
6. RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreements between **HARRIS COUNTY** and fifty-five (55) different Civic Organizations for law enforcement services of Constable Precincts 1, 4, 5, 7 as well as the Sheriff of Harris County – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Members Wiseman and Quan absent. MOTION 2005-1167 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering to approve refunds for Water & Sewer Accounts for Chelsea Court I and III, 13101 Briar Forest Drive \$25,650.00 - Enterprise Water & Sewer Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Members Wiseman and Quan absent. MOTION 2005-1168 ADOPTED.

**DAMAGES** - NUMBER 8

8. RECOMMENDATION from City Attorney for settlement of lawsuit styled **DAVID VOLLMER v. City of Houston**; in the 410th Judicial District Court of Montgomery County, Texas; Cause No. 04-04-1754-CV - \$85,000.00 - Property and Casualty Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Members Wiseman and Quan absent. MOTION 2005-1169 ADOPTED.

**ACCEPT WORK** - NUMBER 9

9. RECOMMENDATION from Director of Building Services Department for approval of final contract amount of \$880,817.31 and acceptance of work on contract with **COMEX CORPORATION** for Mancuso Branch Library Renovation, GFS E-0059-01-3 - 04.98% over the original contract amount - **DISTRICT I - ALVARADO** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Members

Wiseman and Quan absent. MOTION 2005-1170 ADOPTED.

**PROPERTY** - NUMBERS 10 and 11

10. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Belinda King of TKE, Inc, on behalf of StudioSpace, LLC (Michael Prentice, general partner), for encroachment agreement for a ±4.7-foot building encroachment into Dowling Street, located at 3111 Dowling Street, adjacent to Lot 11, Block A, Mary A. Dumbles Subdivision, J. S. Holman Survey, South Side Buffalo Bayou, Parcel ENY6-002 - **DISTRICT I - ALVARADO** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Members Wiseman and Quan absent. MOTION 2005-1171 ADOPTED.
11. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Michael Ray, for abandonment and sale of a 9-foot-wide portion of a 38-foot-wide alley, located at 833A West 17th Street, adjacent to Lot 28, Block 125, Houston Heights Addition, Parcel SY6-028 - **STAFF APPRAISERS DISTRICT H - GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Members Wiseman and Quan absent. MOTION 2005-1172 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 12 through 17

12. ORDINANCE appropriating \$157,362.45 out of General Improvement Consolidated Construction Fund for Generator Installation at 8000 N. Stadium Dr. for the Building Services Department, CIP D-0119 – was presented. Council Members Wiseman and Quan absent. ORDINANCE 2005-1319 ADOPTED.
- 12a. **C. F. MCDONALD ELECTRIC, INC** for Generator Installation at 8000 N. Stadium Dr. for Building Services Department - \$149,869.00 and contingencies for a total amount not to exceed \$157,362.45 – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Members Wiseman and Quan absent. MOTION 2005-1173 ADOPTED.
13. **TEXAS ENGINEERING EXTENSION SERVICE (TEEX)-URBAN SEARCH AND RESCUE DIVISION** for Specialized Training Services for the Fire Department's Technical Rescue Team (TRT) - \$29,500.00 - Grant Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Members Wiseman and Quan absent. MOTION 2005-1174 ADOPTED.
14. **HEWLETT-PACKARD** for Maintenance and Support Agreement for Hewlett Packard Hardware and Software through the City's Master Agreement with Texas Department of Information Resources (DIR) for Texas CISV Master Catalog Purchases under Chapter 2157 of the Government Code for the Houston Emergency Center - \$321,891.48 - 911 Emergency Network Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Members Wiseman and Quan absent. MOTION 2005-1175 ADOPTED.
15. **AMEND MOTION #2002-0184, 2/13/02, TO EXTEND** expiration date from February 13, 2006 to February 12, 2007, for Remote Activated School Flasher System Contract for Department of Public Works & Engineering, awarded to **CONSOLIDATED TRAFFIC CONTROLS, INC** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Members Wiseman and Quan absent. MOTION 2005-1176 ADOPTED.
16. **SUPPLY LINE USA (Bid No. 4)** for Janitorial Supplies for Various Departments -

\$170,409.63 minus a commission fee (the lesser of 2% or \$20,000.00 maximum) for Internet-based reverse auction services for a net award not to exceed \$167,001.44 - General and Enterprise Funds – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Members Wiseman and Quan absent. MOTION 2005-1177 ADOPTED.

17. **SUN COAST RESOURCES, INC (Bid No. 2)** for Automotive Anti-Freeze for Various Departments - \$69,790.00 minus a commission fee (the lesser of 2% or \$20,000.00 maximum) for Internet-based reverse auction services for a net award not to exceed \$68,394.20 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Members Wiseman and Quan absent. MOTION 2005-1178 ADOPTED.

**ORDINANCES** - NUMBERS 19 through 47

19. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of Clearwood Drive right of way containing 0.2124 acre (9,252 square feet of land), more or less, being out of Lots 8, 9, and 14, Block D. Hales Addition, E. Pelligrini Survey, Harris County, Texas vacating and abandoning said tract of land to Sam Ly and Karen Ly, the abutting owners, in consideration of owners' dedication of a utility easement containing 493 square feet of land, more or less, and payment of \$24,760.00 and other consideration to the City - **DISTRICT I - ALVARADO** – was presented. Council Member Wiseman absent. ORDINANCE 2005-1320 ADOPTED.
20. ORDINANCE consenting to the addition of 27.849 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 157**, for inclusion in its district – was presented. Council Member Wiseman absent. ORDINANCE 2005-1321 ADOPTED.
21. ORDINANCE consenting to the addition of 11.9842 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 165**, for inclusion in its district – was presented. Council Member Wiseman absent. ORDINANCE 2005-1322 ADOPTED.
22. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 454** – was presented. Council Member Wiseman absent. ORDINANCE 2005-1323 ADOPTED.
23. ORDINANCE consenting to the addition of 29.958 acres of land to **HARRIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 155**, for inclusion in its district – was presented. Council Member Wiseman absent. ORDINANCE 2005-1324 ADOPTED.
24. ORDINANCE consenting to the addition of 34.98 acres of land to **MEADOWHILL REGIONAL MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. Council Member Wiseman absent. ORDINANCE 2005-1325 ADOPTED.
25. ORDINANCE consenting to the creation of **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 96** – was presented. Council Member Wiseman absent. ORDINANCE 2005-1326 ADOPTED.
28. ORDINANCE approving and authorizing two (2) year Lease Agreement between **BRANCE-KRACHY COMPANY, INCORPORATED, A TEXAS CORPORATION**, as landlord, and the City of Houston, Texas, as tenant, for 1,681 square feet of space located at 4401 Navigation, Houston, Harris County, Texas, at a monthly rental of \$225.00 for use as a Houston Police Department Store Front - **DISTRICT H - GARCIA** – was presented. Council Member Wiseman absent. ORDINANCE 2005-1327 ADOPTED.
29. ORDINANCE approving and authorizing first amendment to an Electric Supply Agreement

between the City of Houston and **TEXAS GENERAL LAND OFFICE** (approved by Ordinance No. 04-0273); providing a maximum contract amount – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Wiseman absent.

38. ORDINANCE appropriating \$160,428.00 out of Water & Sewer System Consolidated Construction Fund and appropriating \$225,000.00 out of the TIRZ Affordable Housing Uptown Fund approving and authorizing Developer Participation Contract between the City of Houston and **ELLA PARK, LTD** for the Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve the Ella Park Subdivision, CIP S-0800-H8-03 and R-0800-H8-03 - **DISTRICT B - GALLOWAY** – was presented. Council Member Wiseman absent. ORDINANCE 2005-1328 ADOPTED.
39. ORDINANCE appropriating \$25,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation contract between the City of Houston and **SILVESTRI HOMES OF TEXAS, INC** for Construction of Sanitary Sewer Lines to serve the Development on Stanford Street, CIP R-0802-34-3 - **DISTRICT D - EDWARDS** – was presented. Council Member Wiseman absent. ORDINANCE 2005-1329 ADOPTED.
40. ORDINANCE approving and authorizing Professional Services Contract between the City of Houston and **TERRACON CONSULTANTS, INC** for Environmental Services in support of the City of Houston's Brownfields Programs - \$113,133.00 - Grant Fund – was presented. Council Member Wiseman absent. ORDINANCE 2005-1330 ADOPTED.
41. ORDINANCE appropriating \$260,000.00 out of Water & Sewer System Consolidated Construction Fund and \$240,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Uptown Fund, Series 2004D and approving and authorizing Developer Participation Contract between the City of Houston and **TEXAS ACORN HOUSING CORPORATION** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for the Mesa Tidwell Subdivision, CIP S-0800-H7-03 & R-0800-H7-03 - **DISTRICT B - GALLOWAY** – was presented. Council Member Wiseman absent. ORDINANCE 2005-1331 ADOPTED.
42. ORDINANCE appropriating \$300,000.00 out of Street and Bridge Consolidated Construction Fund and \$298,848.00 out of the Water and Sewer System Consolidated Construction Fund and approving and authorizing approving and authorizing contract between the City of Houston and **ATSER, LP** for Software Technical Support and Programming Services; providing a maximum contract amount – was presented. Council Member Wiseman absent. ORDINANCE 2005-1332 ADOPTED.
43. ORDINANCE appropriating \$105,523.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing second amendment to Professional Engineering Services Contract between the City of Houston and **BOVAY ENGINEERS, INC** (approved by Ordinance No. 01-0880, Contract No. 53174) for the Repair/Replacement of Five Wastewater Facilities, GFS R-0268-37-2 - **DISTRICTS A - LAWRENCE; C - GOLDBERG; H - GARCIA and I - ALVARADO** – was presented. Council Member Wiseman absent. ORDINANCE 2005-1333 ADOPTED.
44. ORDINANCE appropriating \$2,715,400.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **D. L. ELLIOTT ENTERPRISE, INC** for Water Line Replacement in the Truxillo Area, GFS S-0035-D5-3 (WA10796); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System

Consolidated Construction Fund - **DISTRICT D - EDWARDS** – was presented. Council Member Wiseman absent. ORDINANCE 2005-1334 ADOPTED.

45. ORDINANCE appropriating \$1,251,000.00 out of Water & Sewer System Consolidated Construction Fund No. 755, awarding contract to **N. G. PAINTING, L.P.** for Rehabilitation of Water Storage Tanks at District 218 and Heights, GFS S-0600-B2-3 (WA10814-02); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund No. 755 - **DISTRICTS G - HOLM and H- GARCIA** – was presented. Council Member Wiseman absent. ORDINANCE 2005-1335 ADOPTED.
47. ORDINANCE appropriating \$6,100,000.00 out of Street & Bridge Consolidated Construction Fund to Reimburse the General Fund for the Rehabilitation of Concrete Pavements, GFS N-0655-03-3 and N-0845-01-3; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund – was presented. Council Member Wiseman absent. ORDINANCE 2005-1336 ADOPTED.

**MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:**

**MISCELLANEOUS**

1. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **HOUSTON MEDIA SOURCE BOARD OF DIRECTORS**, for a term to expire December 31, 2007:
- Position Two - **MS. JUNE DEADRICK**, appointment
  - Position Four - **MS. FRANCI NEELY CRANE**, reappointment
  - Position Six - **MR. BINH Q. NGUYEN**, reappointment
  - Position Eight - **MS. ANNETTE GONZALES TAYLOR**, appointment
  - Position Ten - **DR. CHRISTOPHER I. ATANG**, appointment
  - Position Twelve - **DR. HERBERT KARPICKE**, appointment
  - Position Fourteen - **MR. SAEED B. GADDI**, appointment
- was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Member Wiseman absent.

After discussion by Council Members, a vote was called on Item No. 1. Council Member Sekula-Gibbs voting no, balance voting aye. Council Members Quan and Berry absent. MOTION 2005-1179 ADOPTED.

Mayor White and Council Member Khan thanked the new Members of the Board of Directors, who were present in the audience, and asked that they stand and be recognized and thanked them for their service.

Council Member Edwards stated that she wanted to welcome Dr. Sandifer-Walker's class from Texas Southern University in Communications and asked that they stand and be recognized and thanked them for their work and for being present in the audience.

Mayor White stated that while the Board Members of the Houston Media Source were still present in the audience that they looked forward to seeing the ideas of the Board, because they had extended it only for six months and did not want to be revisiting every six months for the next several years, so they looked forward to their briefing Council Members on what they thought the direction of the organization was, that he knew it was a lot of work and wanted to

thank them for doing it.

Council Member Garcia moved to suspend the rules to consider Item Numbers 46, 52 and 52a out of order, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2005-1180 ADOPTED.

Council Member Lawrence moved to suspend the rules to consider Item Numbers 54 out of order, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Khan absent. MOTION 2005-1181 ADOPTED.

46. ORDINANCE appropriating \$6,275,679.00 out of Series E Commercial Paper Metro Fund, \$277,322.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **TEXAS STERLING CONSTRUCTION, L.P.** for Lyons Avenue Reconstruction from Zindler Street to Port Street, GFS N-0719-02-3, S-0500-33-3 and R-0500-33-3 (SB9040); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, construction management, and contingencies relating to construction of facilities financed by the Series E Commercial Paper Metro Fund; and the Water & Sewer System Consolidated Construction Fund - **DISTRICT H – GARCIA** – was presented.

Council Member Garcia stated that he wanted to recognize Mr. and Mrs. Padilla who were present in the audience, that he wanted to thank the administration for putting Item No. 46 on the agenda, the community had long been looking for the project and had been anticipating the beginning of the project, that he wanted to thank the Padilla's for their due diligence for monitoring the project.

Mayor White stated that he wanted to thank the Padilla's also and others in the community, there had been over 500 particular and specific properties that were abandoned and looked bad, that they worked with Mr. Tinnermon and the firm on, that he just got a memo on 130 of them that were tax delinquent and in the process of foreclosure.

Council Member Alvarado stated that she wanted to congratulate Council Member Garcia, that he had been monitoring the project and making sure it got done and also the Padilla's, who were always in the Denver Harbor area working with District I, that they had been on numerous tours, that she wanted to congratulate them and thank them for the work they did on behalf of all of the residents in Denver Harbor.

A vote was called on Item No. 46. All voting aye. Nays none. ORDINANCE 2005-1337 ADOPTED.

52. WRITTEN by Council Member Berry to amend Item 52A below as follows:  
"In Section 1, which amends Article V of Chapter 36 of the Code of Ordinances, Houston, Texas, by:
1. Deleting the definition of *qualified minor* in Sec. 36-71.
  2. Amending Sec. 36-72 to:
    - A. Revise Item (8) to read: For any person to employ, suffer or permit a minor to solicit funds.
    - B. Delete Item (9) and renumber Item (10) as Item (9).
    - C. Revise the renumbered Item (9) to read: "For any person to use or expose any animal or person to hazardous conditions to solicit funds.
  3. Amending Sec. 36-73 to:
    - A. Add a new Item (2) to read: "Stating that the solicitor represents an organization when such statement is false.
    - B. Renumber the remaining items as appropriate.
  4. Amending Sec. 36-74 to:

- A. Amend Items (4) and (5) to read, respectively, as follows:
    - (4) Does not enter the roadway to solicit or retrieve funds.
    - (5) Does not obstruct traffic or create a hazard to traffic or any other person.
  - B. Delete Item (6)
5. Amending Sec. 3
- ...this Ordinance shall take effect at 12:01 am on the 90<sup>th</sup> day next following date of its passage and approval by the Mayor.”
- **(TAGGED BY COUNCIL MEMBERS BERRY and SEKULA-GIBBS)** - was presented.

After discussion and questions by Council Members, Mr. Don Cheatham, Senior Assistant City Attorney, Division Chief, stated that the problem they had was talking about roadways and streets, the roadway was a part of the street except for the exception that would be made for the boot type campaigns, that when they said roadway they should think driving lane, the street encompassed the totality of the right of the way, which included every thing, that the only ones that could stand in the roadway, the driving lane, looking at State law and at the ordinance, would be the firemen with the boot campaign, that the ordinance dealt with charitable solicitors, as amended by Council Member Berry, as he had understood the amendments, that activity conducted on a public street, could not involve any minors; that as to the definition of charitable, that some prior City Council obviously approved the definition of charitable solicitation and excluded panhandlers, there was a fairly significant amount of First Amendment jurisprudence that recognized that a person on a public street begging for themselves, giving them money or food, was a protected First Amendment right, they could do that, that he thought the definition as it existed in the Code and had existed for several years, was probably in recognition of that fact.

After further discussion by Council Members, Council Member Quan stated when he first looked at the item he too thought about panhandlers on the street and did they need to be addressing that issue, but he agreed that there was an underlying issue and wanted to mention that he and the Mayor had spoken about it and knew he had great concern about what they were doing with their homeless population, that they planned to give a report at their next Housing Committee meeting on where the Blue Ribbon Commission now stood on the issue, there was significant progress being made and a great deal of hope and a plan in place that they could address it in a systematic way to end chronic homelessness and in turn provide alternatives so people did not have to stand on street corners with placards and he invited them to the committee meeting.

Upon questions by Council Member Wiseman, Mr. Cheatham stated that any change like this raised the possibility of the potential for litigation for someone claiming that they were signaling a particular type of use of the streets versus another type of use of the streets, that in the Houston Chronicle case obviously the Chronicle plead both violations of the First and Fourteenth Amendment, the ordinance that was at issue was fairly broad and prevented them from selling newspapers to occupants of vehicles and the evidence was that at the time the City code allowed other types of vendors on the street while it attempted to preclude the Chronicle from being essentially on the street and the court stuck down the City ordinance on both the First and Fourteenth Amendment grounds, so the issue was always one of where they drew the line in terms of what the committee was looking for on the age issue, for instance, there was certainly federal case law that said to them that while minors had constitutional rights, their rights did not rise to the same exact level as an adults, if they did they would never have a curfew ordinance, for instance, so they could not assure them that no group or party would not want to take the City on over the issue.

After further discussion Mayor White asked if there would be an issue or a problem saying or adding some phrase with respect to the portion dealing with minors regardless of whether or not undertaken for a charitable organization, and then they would have the prohibition, and Mr. Cheatham stated that they could probably certainly do something like that, he did not want the

Council or the Council Members to believe or to understand the Legal Department to say the City or Council did not have any authority to regulate panhandling, whether it was minors or not, and Mayor White stated that he was just going to focus on this, so that they were talking about one thing at a time, and it was okay if it needed to be taken under consideration but they may have done enough work that if the Council Member proposed an amendment with respect to that provision dealing with minors which said at the beginning, "regardless of whether or not undertaken for a charitable organization it was hereby prohibited", was there a problem with that, and Mr. Cheatham stated that he did not think there was a problem with that, and Mayor White stated that they were trying not to bake the whole pie at the Council table on what they did with the streets.

After further discussion, Council Member Holm moved that from the ordinance they "eliminate the definition of charitable and under the definition of solicit funds to eliminate the phrase that says "that the proceeds of such sale would be used for charitable", seconded by Council Member Wiseman.

After further discussion by Council Members, Mr. Cheatham stated that Council Member Holm's amendment concerned him, he would want to have time to look at the wording and certainly Council could pass what they had, they met every week and could come back, or they could delay the thing for a week, but if he heard what he thought he heard in what Council Member Holm proposed it bothered him, that brought publications back into the fray and back to the Houston Chronicle case and he certainly did not want to provoke the Houston Chronicle to take some action against them while they were trying to do the right thing. Council Member Ellis absent.

Mayor White stated that as soon as they came up with something that they could get on the agenda that was broader and passed all scrutiny, he would commit to them that he would put it on the agenda.

Council Member Holm stated that she would withdraw her motion to amend at this point and would bring it forward at Item No. 52a, and Mayor White stated that they would treat it, unless somebody objected, as being an oral motion, which was seconded, to amend the main item and take it up after the first amendment.

After further discussion Council Member Wiseman moved to postpone Item No. 52 to the end of the agenda, seconded by Council Member Alvarado.

After further discussion Mayor White stated that what was pending was Item No. 52 and there was a motion to delay it to the end of the agenda, that his position was that he would like for them to deal today with what the committee had done and not to delay the main item, but thought that Council Member Wiseman wanted to make sure they were all communicating.

After further discussion by Council Members, Council Member Alvarado moved to amend Council Member Wiseman's motion and instead of delaying it to the end of the agenda, if they could moving and in fifteen minutes bring Item No. 52 back up, and Mayor White stated that in fifteen minutes Item Numbers 52 and 52a be delayed until 10:55 a.m., seconded by Council Member Wiseman. All voting aye. Nays none. Council Member Khan absent. MOTION 2005-1182 ADOPTED.

52a. **ORDINANCE AMENDING ARTICLE V OF CHAPTER 36 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Solicitation of Funds for Charitable purposes – **(This was Item 32 on Agenda of November 30, 2005, POSTPONED BY MOTION #2005-1154)** – was presented, and postponed by MOTION 2005-1182 until 10:55 a.m.. Council Member Khan absent.

54. **ORDINANCE** approving and authorizing Contract for Programming Services between the

City of Houston and **HOUSTON MEDIASOURCE** for Public Access Channel – **(This was Item 14 on Agenda of November 30, 2005, TAGGED BY COUNCIL MEMBERS LAWRENCE, SEKULA-GIBBS and WISEMAN)** – was presented.

Council Member Lawrence stated that she wanted to commend the Legal Department, the Mayor and the new committee on HMS, that everybody was moving forward to get something better for the community, there was one change to the contract and she believed her colleagues had a copy of it, that it was discovered yesterday, changing all hours of adult programming to take place after midnight and that was what the amendment was.

"I move to amend the contract which is referenced in Section 1 by amending the last sentence of Paragraph II(B)(7) of Exhibit G to read as follows:

Subject to the review procedures set forth in Paragraph II(c), programs containing any Adult, Sexually Explicit, or Indecent material will play only between 12:01 a.m. and 5:59 a.m. Monday through Friday and between 1:01 a.m. and 5:59 a.m. on Saturday and Sunday and shall contain appropriate viewer advisories or warnings." – (Tagged by Council Member Wiseman)

Mayor White stated that there was a non controversial amendment by Council Member Lawrence and he understood there would be further amendments to be offered, that right now the pending item was the amendment by Council Member Lawrence.

Council Member Wiseman stated that it was not a position of either support or objection to the amendment it was simply that it was her understanding that the main item would be delayed therefore she would tag Council Member Lawrence's amendment. Council Members Ellis and Berry absent.

Council Member Goldberg stated that he would tag the main item and would add the following amendments:

1. Amend Exhibits on page 3 as follows:
  - A. **MediaSource Rules and Procedures**
  - B. **Equal Employment Opportunity**
  - C. **MWBE Subcontract Terms**
  - D. **Drug Policy Compliance Agreement**
  - E. **Certifications of No Safety Impact Positions**
  - Drug Policy Compliance Declaration**

**HMS Programming Contract**

2. Amend the definition of "Adult Programming" on page 6 to read as follows:  
"Adult Programming" means language or material that includes Indecent, Sexually Explicit, and/or Profane Material or material that depicts graphic and persistent violence.
3. Amend the definition of "Indecent" on page 7 to read as follows:  
"Indecent" means material, which includes a description or depiction of sexual or excretory activities or organs in a manner patently offensive as judged in context by contemporary community standards.
4. Amend III. B. Reports (1) Rules, regulations and policies. by deleting the word Director in the last sentence of III. B. (I) so it read as follows:  
"Contractor shall not change the Rules and Procedures attached as Exhibit "A" without the consent of City Council.
5. Amend III. F. Insurance, (1) Risks and Limits of Liability. on page 15 to read as follows:

(1) Risks and Limits of Liability. Contractor shall maintain the following coverages and limits of liability:

<u>(Coverage)</u>	<u>(Limit of Liability)</u>
Workers' Compensation	Statutory for Workers' Compensation
Employer's Liability	Bodily Injury by accident \$500,000 (each accident) Bodily Injury by Disease \$500,000 (policy limit) Bodily Injury by Disease \$500,000 (each employee)
	Commercial General Liability \$2,000,000 aggregate for other than Including Broad Form Coverage Products and Completed Operations;
	Combined Single Limit for Bodily Each Occurrence; \$1,000,000
Injury and Property Damage,	
Personal Injury Protection, Combined Limits of	\$1,000,000 Each Occurrence
Products and Completed Operations	\$2,000,000 aggregate
Umbrella Liability Policy	\$2,000,000 Each Occurrence \$2,000,000 aggregate, Excess Underlying Coverage
Automobile Liability Insurance (for vehicles Contractor uses in performing under this Agreement, including Employer's Non-Owned and Hired Auto Coverage)	\$1,000,000 combined single limit Each Accident

#### Media Professional Liability Coverage

Defense costs are excluded from the face amount of the policy.  
Aggregate Limits are per 12-month policy period unless otherwise indicated.

6.
  - a. Amend Exhibit "A" by moving Exhibit "A" to the end of Exhibit "G" as an addendum.
  - b. Amend Agreement by changing references to Exhibit "G" to Exhibit "A".
7. Amending Exhibit "G" by renaming it Exhibit "A" and making the following changes:
  - a. Attaching the Houston Media Source cover sheet and Preamble to the beginning of the Rules and Procedures;
  - b. Add the following sentence to II. B. 7. as follows: "HMS may choose to make these time slots more restrictive."
8.
  - a. Amend Exhibit "H" by renaming it Exhibit "G", **HMS PROGRAMMING CONTRACT**, and amending Exhibit "G" to read as follows:  
**Exhibit "H"**

### HMS PROGRAMMING CONTRACT

PLEASE FILL IN ALL BLANKS AND ANSWER ALL QUESTIONS.

Producer Name: \_\_\_\_\_ Producer ID: \_\_\_\_\_

Organization sponsor (if applicable) \_\_\_\_\_

Address \_\_\_\_\_

Evening Phone: \_\_\_\_\_ Daytime Phone: \_\_\_\_\_ Program Providers(s) \_\_\_\_\_

Who owns the tape? \_\_\_\_\_

Talent releases obtained, if needed? Yes No Copyright release(s) obtained if needed? Yes No

Project #: \_\_\_\_\_ Project Name: \_\_\_\_\_

Start Time Code  
(HH:MM:SS:FF) \_\_\_\_\_

EndTime Code Length (HH:MM:SS):  
(HH:MM:SS:FF) \_\_\_\_\_

Title of Show: \_\_\_\_\_

Episode Information: \_\_\_\_\_

Was this a Class Assignment? Yes No If "Yes" which class and instructor? \_\_\_\_\_

Is this program taped/produced locally (Houston)? Yes No

If yes, which facility? HMS TBH Houston Art Institute  
Other \_\_\_\_\_

Cablecast Date: Time:  
(MM/DD/YY) \_\_\_\_\_ (am/pm) \_\_\_\_\_

#### For Taped Programs:

Was this tape mailed to you from outside Houston? Yes No

Is this your first access program? Yes No

Has this program played before? Yes No

If yes, when did the program last air?  
(MM/DD/YY) \_\_\_\_\_

Does HMS have your permission to keep & use tape for promotional purposes? (initial)  
HMS archives? (initial) \_\_\_\_\_

PROGRAM TYPE (Circle one)	PROGRAM FORMAT (Circle one)
1. Art: Other	A. Ceremony/Sermon
2. Art: Visual	B. Debate
3. Art: Performance	C. Event
4. Art: Dance	D. Foreign Language
5. Art: Poetry	E. Game Show
6. Art: Video Art	F. Educational/Child
7. TV: Drama	G. Documentary
8. TV: Comedy	H. Lecture
9. TV: Action/Adventure	I. Stand-Up/Soapbox
10. TV: Horror	J. Talk/Interview
11. Folk/Tradition	
12. Hobby	
13. Music: Performance/Event	
14. Music: Other-Montage/Doc/Exp	
15. Other Entertainment	
16. News/Public Affairs-Local/State	
17. News/Public Affairs-Ntl/Intntl	
18. Foreign/International Interest	
19. Political Candidate/Ballot Issue	
20. Government-Assembly/Function	
21. Social Service/Issue	
22. Minority Issues	
23. Public Health	
24. Educational-Instruction or ITV	
25. Exercise	
26. Health-Personal	
27. Alternative-New Age	
28. Religion	
29. Sports	
30. Other-Experimental No Cat	
	K. Variety
	L. Video-Montage
	M. Experimental
	N. Graphics-Gen. Video-Imagery
	O. PSA General
	P. PSA Event
	Q. PSA Educational
	R. Promo for Show
	S. Channel ID
	T. Live Show
	U. Live+Call-In
	V. Other-No Category

For Live Studio Programs:		
1. Have you <u>confirmed</u> your cablecast date with programming?	Yes	No
2. Have you <u>confirmed</u> your crew?	Yes	No
3. Have you <u>confirmed</u> all needed equipment?	Yes	No

If you answered **NO** to any item, please indicate when you plan to confirm these requirements  
**FAILURE TO COMPLETE THE ABOVE COULD DELAY PROCESSING OF YOUR APPLICATION**

\*\*\*\*\* READ BACK PAGE AND SIGN IT\*\*\*\*\*

### HMS PROGRAMMING CONTRACT

Please fill in all blanks and answer all questions as completely as possible on both sides of this contract.

<b>You must check yes or no in response to these statements.</b>		
My program contains Adult material .	YES	NO
My program contains Sexually Explicit material.	YES	NO
My program contains Indecent material.	YES	NO

### WARRANTY AGREEMENT:

I am familiar with the definitions of the above terms that are contained in the Contract between the City of Houston and Houston MediaSource and have used those definitions in making the representations and warranties above. In addition to the above representations and warranties, I warrant and represent to Houston MediaSource (HMS) that the above program submitted by me contains none of the following:

1. Any material which is in violation of Subchapter B: Obscenity, of Chapter 43 of the Texas Penal Code.
2. Any material contrary to local, state, or federal laws.
3. Any material that is libelous, slanderous, in defamation of character, or an unlawful invasion of privacy.
4. Any advertising or material that promotes any commercial product or service.
5. Any solicitation or appeal for funds.
6. Any unlawful use of copyrighted material.
7. Any material, which has a reasonable probability of inciting an immediate danger or damage to property, inciting an injury to person(s), or creating a public nuisance.

I am aware that Section 639 of the FCC Policy Act of 1984 provides that: **“Whoever transmits over any cable system any matter which is obscene or otherwise unprotected by the Constitution of the United States shall be fined not more than \$10,000 or imprisoned not more than 2 years or both.”** I agree to be bound by all of the terms of the HMS Rules and Procedures. I further represent and warrant that, within the past year, I have completed HMS-sponsored training which included training on cablecasters' legal obligations concerning obscene, adult, sexually explicit, and indecent programming material. I agree that HMS may cablecast viewer advisories or warnings alerting the viewers to adult, sexually explicit, or indecent programming material. I agree that a violation of this Programming Contract, including a violation of any warranty or representation, excuses HMS from performing any of its obligations under this Programming Contract. I agree that any suspension imposed for violation of this Programming Contract is effective immediately. **I AGREE, FURTHER, TO THE EXTENT ALLOWED BY LAW, TO INDEMNIFY AND SAVE HARMLESS HMS, THE CITY OF HOUSTON, HOUSTON'S FRANCHISED CABLE COMPANIES, AND ANY OF THEIR EMPLOYEES, OFFICERS, BOARD OF DIRECTORS, STOCKHOLDERS, ETC., FROM ANY AND ALL CLAIMS, DEMANDS, DAMAGES OR OTHER LIABILITIES WHICH MAY BE MADE AGAINST OR ARISE OUT OF THE CABLECAST OF THE PROGRAM SUBMITTED BY ME WHETHER OR NOT THE PROGRAM HAS BEEN REVIEWED BY HMS PRIOR TO CABLECAST.** Each and all of these warranties, representations, and agreements are made by me in order that this program be cablecast free of charge on Houston's Public Access Channels, and I understand that HMS has relied on these warranties, representations, and agreements.

#### **INSTRUCTIONS FOR PROGRAM SUBMISSION:**

1. Program **MUST** be accompanied by a signed Programming Contract and should be delivered to the Programming Department Office at least 10 days prior to the cablecast date, unless special arrangements are made with Programming Department staff.
2. Program must meet or exceed technical requirements and be properly labeled.
3. Final decisions regarding specific cablecast times are made by HMS programming staff, as per Rules and Procedures for Use of the Houston MediaSource.
4. Program may be retrieved by producer one week following its last cablecast.
5. In the event that HMS receives a complaint indicating that the Programming Contract has been violated, producer agrees to postpone playback until HMS can verify Programming Contract compliance.

Please fill out a **Promotion Form** if you want HMS to promote your show. (Forms are available on the Client Service desk.)

**All of the information provided in this form is true and accurate.**

Signature\_\_\_\_\_ Date\_\_\_\_\_

- b. Changes all references in Agreement to Exhibit "H" to read Exhibit "G". – Council Member Alvarado tagged

Council Member Alvarado stated that she would tag Council Member Goldberg's amendment to Item No. 54. Council Members Ellis, Quan and Berry absent.

Mayor White stated that the amendments and Item No. 54 had been tagged. Council Members Ellis, Quan and Berry absent.

## **ORDINANCES**

18. ORDINANCE amending Exhibit "A" of City of Houston Ordinance No. 90-1292 (as amended by City of Houston Ordinance No. 2004-1149) to amend the Master Pay Structure by increasing the pay grade maximums by seven percent (7%) and by deleting four (4) job classifications that are no longer used; substituting the amended exhibits as part of the current master classification listing; providing for severability – was presented. All voting aye. Nays none. Council Members Wiseman, Ellis, Quan and Berry absent. ORDINANCE 2005-1338 ADOPTED.
26. ORDINANCE relating to the rescheduling or postponement of certain City Council meetings – was presented. All voting aye. Nays none. Council Members Wiseman, Ellis and Berry absent. ORDINANCE 2005-1339 ADOPTED.
27. ORDINANCE approving and authorizing first amendment to Lease Development and Grant Agreement for the Hobby Center for the Performing Arts between the City and the **HOUSTON MUSIC HALL FOUNDATION** - was presented. Council Member Berry absent.

After discussion by Council Members, Council Member Green tagged Item No. 27 and then released his tag and Council Member Sekula-Gibbs stated that she would tag Item No. 27. Council Members Wiseman and Holm absent.

30. ORDINANCE approving and authorizing Luggage Carts and Lockers Concession Agreement between the City of Houston and **SMARTE CARTE, INC** at George Bush Intercontinental Airport/Houston and William P. Hobby Airport; providing a maximum contract amount **DISTRICTS B - GALLOWAY and I – ALVARADO** – was presented. All voting aye. Nays none. Council Members Wiseman and Holm absent. ORDINANCE 2005-1340 ADOPTED.
31. ORDINANCE approving and authorizing Concession Agreement between the City of Houston and **SMARTE CARTE, INC / RETURN KEY JOINT VENTURE** for Confiscated Item Return Services Concession at George Bush Intercontinental Airport/Houston and William P. Hobby Airport Revenue - **DISTRICTS B - GALLOWAY and I - ALVARADO** – was presented. All voting aye. Nays none. Council Members Wiseman and Holm absent. ORDINANCE 2005-1341 ADOPTED.
32. ORDINANCE approving and authorizing Massage Chairs Concession Agreement between the City of Houston and **FIRST CLASS SEATS AIRPORT SERVICES, L.L.C.** at George Bush Intercontinental Airport/Houston and William P. Hobby Airport - Revenue - **DISTRICTS B - GALLOWAY and I - ALVARADO** – was presented. All voting aye. Nays none. Council Members Wiseman and Holm absent. ORDINANCE 2005-1342 ADOPTED.

33. ORDINANCE approving and authorizing Interlocal Agreement between the City of Houston and **HARRIS COUNTY** for Parking and Ground Transportation Clearinghouse Services for the Houston Airport System - **DISTRICTS B - GALLOWAY and I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2005-1343 ADOPTED.
34. ORDINANCE approving and authorizing Interlocal Agreement between the City of Houston and **HARRIS COUNTY, TEXAS**, to continue to allow the Houston Airport System to access the SmartZone Regional Radio System - \$1,500,000.00 - Enterprise Fund - **DISTRICTS B - GALLOWAY; E - WISEMAN and I - ALVARADO** – was presented, and tagged by Council Member Wiseman. Council Member Holm absent.
35. ORDINANCE approving and authorizing Agreement for Professional Services by and between the City of Houston, Texas and the **GREATER HOUSTON PARTNERSHIP** - 8 Months \$493,333.33 - Enterprise Fund – was presented, and tagged by Council Member Ellis. Council Member Holm absent.
36. ORDINANCE approving and authorizing Crisis Intervention Training Program Expansion Grant Agreement between the City of Houston and the **HOGG FOUNDATION** for Mental Health; authorizing the Chief of Police Department, or any Assistant Chief, to accept such grant funds and to act as the City's representative in all matters pertaining to the program – was presented.

After discussion Council Member Garcia stated that he wanted to commend Mr. Frank Webb and also the Police Department for making sure they were giving the guys on the front line all the resources possible to make good decisions.

A vote was called on Item No. 36. All voting aye. Nays none. Council Members Wiseman, Holm and Alvarado absent. ORDINANCE 2005-1344 ADOPTED.

37. ORDINANCE appropriating \$678,108.00 out of Airport System Consolidated 2004 AMT Construction Fund, \$57,220,529.00 out of the Airport System Consolidated 2004 AMT Construction Fund, and \$799,322.00 out of Airports Improvement Fund and approving and authorizing Amendment No. 1 to construction manager at Risk Contract 57306 by and between the City of Houston and **CLARK CONSTRUCTION GROUP-TEXAS, LP** for Phase I construction of the Terminal and Central Concourse Expansion at William P. Hobby Airport, CIP A-0131, A-0141 and A-0422, Project 417F; providing funding for engineering testing services, and for contingencies and the Civic Art Program relating to construction of facilities financed by such funds - **DISTRICT I – ALVARADO** – was presented. Council Members Wiseman, Holm and Alvarado absent.

After discussion by Council Members, Council Member Quan stated that he would like to see a plan of action as to what Clark Construction intended to do on Phase II, and would tag Item No. 37. Council Members Wiseman, Holm and Alvarado absent.

Council Members Green, Garcia and Khan stated that they would tag Item No. 37 also, and Mayor White stated that he would ask for some special attention, and that Ms. Laws pay a bit of attention to Item No. 37 and her counsel and advice would be very helpful to him and others on the administration and for Aviation to work directly with her. Council Members Wiseman, Holm and Alvarado absent.

Council Member Garcia stated that he was frustrated that they were not working harder to give local firms stronger consideration, that he had asked for some review on how they could accomplish that. Council Members Wiseman, Holm and Alvarado absent.

Council Member Galloway stated that she would not tag the item at this time because she

knew the dilemma that the Airport was in trying to get the business taken care of but she hoped they could come back and give a report as to how the contractor was progressing with the MWBE participation because she knew they did have qualified people in the City who could be added onto the contract as well. Council Members Wiseman, Holm and Alvarado absent.

**MATTERS HELD** - NUMBERS 48 through 54

48. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$983,503.36 and acceptance of work on contract with **PARALLAX BUILDERS, INC** (Contract 55773) for Alief Park, GFS F-504B-08-3 - 20.68% over the original contract amount **DISTRICT F - KHAN – (This was Item 3 on Agenda of November 30, 2005, TAGGED BY COUNCIL MEMBER KHAN)** – was presented, moved Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Holm absent. MOTION 2005-1183 ADOPTED.
49. RECOMMENDATION from Finance & Administration Department to **AMEND MOTION #2002-1414, 12/11/02, TO EXTEND** expiration date from December 11, 2005 to December 10, 2007, and **TO INCREASE** spending authority, awarded to **DXI INDUSTRIES** by \$2,108,660.00 to \$2,635,825.00 and **ALTIVIA CORPORATION** by \$1,742,311.39 to \$2,177,889.24 for Chemical, Liquid Chlorine Contract for Department of Public Works & Engineering - Enterprise Fund – (**This was Item 9 on Agenda of November 30, 2005, TAGGED BY COUNCIL MEMBER KHAN**) – was presented, moved Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Holm absent. MOTION 2005-1184 ADOPTED.
50. ORDINANCE approving and authorizing amendment to Professional Environmental Consulting Services Contract between the City and **QUANTUM ENVIRONMENTAL CONSULTANTS, INC** for Professional Environmental Consulting Services for Various Issues Encountered on City property or in the City right-of-way, GFS R-0019-07-2 – (**This was Item 22 on Agenda of November 30, 2005, TAGGED BY COUNCIL MEMBER GREEN**) – was presented. All voting aye. Nays none. ORDINANCE 2005-1345 ADOPTED.
51. ORDINANCE approving and authorizing Project Management Services Agreement between the City of Houston and **HOWELL MIMS ASSOCIATES, L.L.C.**; providing a maximum contract amount - 1 year - \$100,000.00 - Building Inspection and CDBG Funds – (**This was Item 23 on Agenda of November 30, 2005, TAGGED BY COUNCIL MEMBER QUAN**) – was presented.

Council Member Quan stated that he had a chance to speak with Mr. John Walsh and knew that Mr. Brooks Howell was assisting him on several important projects and one of them was dealing with the Permitting Department and knew the Mayor made it a priority and hopefully they would get that completed, that initially when they contracted with Mr. Howell it was going to be a one year deal and now they were on a second year and he did not question that he was doing important things for the City but his question to Mr. Walsh was should they not just hire a City employee to do it and why were they contracting it out, that he just wanted to make sure they were getting the most use of their dollars, that he had given him some information and he had also spoken with Mr. Wilson in Housing and Community Development when he saw that CDBG Funds were being used to, that he was supposed to get a job description and also a resume from Mr. Howell to better understand what he was doing for the City. Council Member Wiseman absent.

Council Member Quan moved to postpone Item No. 51 for one week, seconded by Council Member Green. Council Member Wiseman absent.

After further discussion, Council Member Holm stated that last week she had tagged the

item and specifically asked for some one to come and chat with her and she had not heard a word and concurred with Council Member Quan. Council Member Garcia absent.

A vote was called on Council Member Quan's motion to postpone Item No. 51. All voting aye. Nays none. Council Members Garcia and Green absent. MOTION 2005-1185 ADOPTED.

52. WRITTEN by Council Member Berry to amend Item 52A below as follows:

"In Section 1, which amends Article V of Chapter 36 of the Code of Ordinances, Houston, Texas, by:

1. Deleting the definition of *qualified minor* in Sec. 36-71.
2. Amending Sec. 36-72 to:
  - A. Revise Item (8) to read: For any person to employ, suffer or permit a minor to solicit funds.
  - B. Delete Item (9) and renumber Item (10) as Item (9).
  - C. Revise the renumbered Item (9) to read: "For any person to use or expose any animal or person to hazardous conditions to solicit funds.
3. Amending Sec. 36-73 to:
  - A. Add a new Item (2) to read: "Stating that the solicitor represents an organization when such statement is false.
  - B. Renumber the remaining items as appropriate.
4. Amending Sec. 36-74 to:
  - A. Amend Items (4) and (5) to read, respectively, as follows:
    - (4) Does not enter the roadway to solicit or retrieve funds.
    - (5) Does not obstruct traffic or create a hazard to traffic or any other person.
  - B. Delete Item (6)
5. Amending Sec. 3  
...this Ordinance shall take effect at 12:01 am on the 90<sup>th</sup> day next following date of its passage and approval by the Mayor."

– **TAGGED BY COUNCIL MEMBERS BERRY and SEKULA-GIBBS** – was again before Council.

Council Member Wiseman stated that she appreciated the opportunity to review the items and they had an opportunity to discuss with Legal the concerns that were raised by Council Member Holm and herself as it dealt with the issue of the term charitable and specifically with her concern whether or not they would be violating the equal protection, from what she understood they were prohibiting anyone from setting foot onto the roadway to retrieve funds that had been solicited and with respect to children it was a different matter that they could address entirely and hear the concerns that people had about children, for what ever purpose, stepping onto the roadway and standing along the side, whether they were soliciting for themselves or for someone else for what ever purpose, and that was the concern that they had, that there was a written amendment, and Mr. Cheatham stated yes, that they were having it typed up and copied to allow the Council Member to offer the amendment that they just discussed.

Mr. Michel stated that it was a one sentence amendment to Section 36-74, Subsection A, which was the Solicitation in Roadways, it would add the sentence:

"It shall be unlawful for a minor to stand in a roadway for any purpose, including solicitation of funds, except as permitted by the traffic laws of the State of Texas", and Council Member Wiseman stated that was her motion, seconded by Council Member Alvarado.

Mayor White stated that there was an oral motion and a second, that he would treat it as an oral motion, which they did not oppose as an amendment to the main item, and Mr. Cheatham stated that the way they would do it, where it said "of the State of Texas", they would just put "of the STATE" and asked if that was acceptable and Council Member Wiseman stated that was correct and acceptable and Mr. Cheatham stated that made their Code drafting

consistent.

Mayor White stated that the pending item was Council Member Berry motion to amend Item No. 52a, Item No. 52, and then they would take up discussion on Council Member Wiseman's motion. All voting aye. Nays none. MOTION 2005-1186 ADOPTED.

A vote was called on Council Member Wiseman oral amendment to Item No. 52a. All voting aye. Nays none. MOTION 2005-1187 ADOPTED.

52a. **ORDINANCE AMENDING ARTICLE V OF CHAPTER 36 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Solicitation of Funds for Charitable purposes – **(This was Item 32 on Agenda of November 30, 2005, POSTPONED BY MOTION #2005-1154)** – was again before Council as amended.

Council Member Lawrence stated that she was passing out a written motion to amend Item No. 52a to mainly cleanup the definition of street, roadway and median as follows:

"In Section 1, which amends Article V of Chapter 36 of the Code of Ordinances, Houston, Texas, by:

1. Amending Sec. 36-74 by:
  - A. Amending the definition of the term median to read as follows:

"*Median* means a dividing area, whether landscaped or paved, maintained for the purpose of separating or directing vehicular traffic."
  - B. Adding, in the appropriate alphabetical order, the following definition:

"*Street* has the meaning ascribed in section 45-2 of this Code."
2. Amending Items (1) and (2) of Sec. 36-72 to read as follows:

"(1) For any person, directly or through an agent or employee, to solicit funds unless such person has first obtained a certificate of registration from the director, as hereinafter provided.

(2) For any individual, as the agent or employee of another, to solicit funds unless his principal or employer has received a certificate of registration a hereinafter provided."
3. Amending Sec. 36-74 as follows:
  - A. Amend Item (3) of Subsection (b) to read as follows:

"(3) Solicits funds only while located on a shoulder, improved shoulder, curb or sidewalk adjacent to the roadway, excluding any median;"
  - B. Amend Subsection (c) to read as follows:

"(c) **First aid requirement.** It shall be unlawful for a person to solicit funds pursuant to a class A certificate where more than four individuals are also soliciting funds simultaneously at the same location unless a person certified by the American Heart Association or American Red Cross in cardiopulmonary resuscitation and first aid is present at the location."
4. Amending Subsection (c) of Sec. 36-76 to read as follows:

"(c) **Class A certificate; use of city employee or agent, additional requirements.** If the proposed solicitation is to include the use of any employee or agent of the city as provided in section 36-75 of this Code, the applicant shall also provide, in a form acceptable to the city attorney, proof of a current policy of commercial general liability insurance providing coverage against claims against the applicant and the city in the amount of at least \$1,000,000 for any damages that may arise from the solicitation."
5. Amending Subsection (b) of Sec. 36-78 to read as follows:

"(b) **Class B.** Within ten working days of the receipt of a class B registration statement, the director shall either issue a certificate of registration, as provided in section 36-79, or notify the person registering that the registration statement does not comply with the requirements of section 36-76, and specifically point out what information or explanation has not been furnished

that is required before a certificate of registration can be issued.”

After further discussion a vote was called on Council Member Lawrence motion to amend Item No. 52a. All voting aye. Nays none. MOTION 2005-1188 ADOPTED AS AMENDED.

Council Member Holm stated that for clarity she wanted to remove her amendment regarding the definitions, and Council Member Wiseman stated that she would rescind her second on Council Member Holm’s motion.

A vote was called on Item No. 52a as amended. All voting aye. Nays none. ORDINANCE 2005-1346 ADOPTED AS AMENDED

53. WRITTEN by Council Member Wiseman to amend Item 53A below as follows:

“45-235. Permit application generally; issuance, etc.

(g) the number of parade permits that may be issued shall be subject to the following limitations:

(1) only one permit shall be issued for a parade to be conducted in the downtown area on the same day;

~~(2) Only two permits may be issued for parades to be conducted on the same calendar day in the city limits; and~~

~~(3) Permits may not be issued for conflicting times. For purposes of this provisions, parades are considered to be conflicting if their starting times are less than four hours apart –~~ **(TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented.

Council Member Goldberg stated that they wanted to address the concern presented by Council Member Wiseman on her amendment and thought they came up with a satisfactory answer as follows in the amendment he had passed out:

In Section 2, which amends Division 1 of Article IX of Chapter 45 of the Code of Ordinances, Houston, Texas, by:

1. Amending Subsections (d), (e) and (f) of Sec. 45-232 to read as follows:

"(d) Traffic control services along a parade route, including the hiring and payment of personnel to deploy traffic control devices and to direct and control traffic, will be provided as follows:

(1) By the city at no cost to the holder of a permit for a non-commercial parade, up to a maximum of 25 street intersections.

(2) For a commercial parade, at the discretion of the director, either:

a. By the city at no cost to the permit holder for the first 15 street intersections;  
or

b. Entirely by the permit holder.

(3) The holder of a commercial parade permit shall reimburse the city for traffic control services performed in excess of the limit set forth in subitem a of item (2) of this subsection at a fee of \$1,000 per street intersection.

(e) In no event shall the city provide traffic control services for more than two parades on the same calendar day.

(f) Traffic control or direction along a parade route shall be performed only by law enforcement officers certified under the laws of this State. The use of non-city personnel to deploy traffic control devices or perform traffic control or direction shall be subject to the approval of the director."

2. Amending Subsection (b) of Sec. 45-234 to:

A. Amend Item (1) to read as follows:

"(1)The route may not exceed one and one-half miles in length and may not include more than fourteen intersections, whichever is less; provided, however, that a parade held on a Saturday between the hours of 8:00 p.m. and 11:00 p.m. or on a Sunday between the hours of 1:00 p.m. and 11:00 p.m. may be greater than one and one-half miles or include more than 14 intersections."

- B. Redesignate Item (4) as Item (5) and add a new Item (4) that reads as follows:  
"(4) If more than one parade is to be held on the same calendar day, the parade routes and staging and disbanding areas of each parade may not be within 5 miles of one another."
3. Amending Item (2) of Subsection (g) of Sec. 45-235 to read as follows:  
"(2) Only four permits may be issued for parades to be conducted on the same calendar day in the city limits; and"
4. Amending Sec. 45-236 to:  
A. Amend Item (12) to read as follows:  
"(12) A declaration that the individual conducting a parade prefers to either:  
a. Provide all necessary traffic control services with non-city personnel; or  
b. Reimburse the city for the provision of traffic control services as provided in section 45-232 of this Code.  
Such declaration by the parade organizer shall be final."
5. Amending Sec. 45-245 to read as follows:

**"Sec. 45-245. Staging and disbanding areas; other uses of public streets and sidewalks.**

Consistent with traffic mobility and access considerations, the director, or his designee, in consultation with the chief of police, or his designee, may allow public streets to be used by parade permit holders as staging and disbanding areas for parades. The use of public streets and sidewalks for purposes other than staging or disbanding are subject to the regulations set forth in section 40-27 and sections 40-361 through 40-378 of this Code. The closure of freeway ramps associated with a parade requires the submission to the director of a signed and sealed traffic control plan and proof of compliance with all insurance requirements at least 90 days prior to the scheduled parade date."

Council Member Goldberg moved to substitute his written amendment for Item No. 53, seconded by Council Member Alvarado. Council Members Galloway and Garcia absent.

After further discussion by Council Members, Mayor White stated that there was a motion to substitute Council Member Goldberg written amendment for Item No. 53 and stated that it was not objected to. Council Members Galloway and Garcia absent.

Council Member Edwards stated that she would be voting "no" on the ordinance, she thought the whole fundamental process was flawed and there were some issues that still were not being addressed. Council Members Galloway and Garcia absent.

After further discussion Council Member Khan offered a friendly amendment to Section 2 B (4) to add the words "and time" after the words "same calendar day", seconded by Council Member Alvarado. Council Members Galloway, Garcia and Ellis absent.

After further discussion Mayor White stated that the first vote was on the two word motion to amend Council Member Goldberg's motion by Council Member Khan. All voting aye. Nays none. Council Members Garcia, Ellis and Berry absent. MOTION 2005-1189 ADOPTED.

A vote was called on the written amendment by Council Member Goldberg as amended. All voting aye. Nays none. Council Members Garcia, Ellis and Berry absent. MOTION 2005-1190 ADOPTED AS AMENDED

53a. ORDINANCE **AMENDING ARTICLE IX OF CHAPTER 45 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Parades – **(This was Item 37 on Agenda of November 30, 2005, TAGGED BY COUNCIL MEMBER ELLIS)** – was presented as amended. Council Member Edwards voting no, balance voting aye. Council Members Garcia, Ellis and Berry absent. ORDINANCE 2005-1347 ADOPTED.

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS**

Council Member Holm stated that she was haunted by yesterday's public session and would like to ask Council Member Wiseman to review the Council rules and bring them up to speed with them, the total of five minutes and the pulling of people out of order, that everyone had a right to share their opinion, whether they agreed or not and they ought to be able to share their opinion in the order that they came forward, that it was not about Council Members it was about the public. Council Members Galloway, Edwards, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Garcia stated that he wanted to thank his colleagues who were on the issue of minors and the solicitation for charitable causes, that they had been working on the issue since March 2004, that he wanted to thank the Legal Department, Mr. Cheatham in particular for the many hours they spent in research, that he wanted to thank Officer Abercia for his work on the ordinance as well. Council Members Galloway, Edwards, Holm, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Garcia stated that there would be a recognition of Pearl Harbor Day at the Veterans Memorial Park on Tidwell at 3:30 p.m. and encouraged everyone to attend. Council Members Galloway, Edwards, Holm, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Alvarado stated that she did not think they needed to reinvent the wheel and come up with new rules, she thought that all of the Council Members needed to pay attention to what the rules were, the reason they had public session was to give the public more time, that was why they had less time as Council Members to speak, they had five minutes collectively and on Wednesday, when they were discussing the agenda they had ten minutes, that they did have Council Members who were conscience of that and some that did not pay attention to the five minute rule. Council Members Galloway, Edwards, Holm, Garcia, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that she wanted to pay respects to the Allums Family in Third Ward, that Mr. Wilbert Allums, long time resident of the Third Ward Community in District I passed away and she wanted to send her condolences to his family. Council Members Galloway, Edwards, Holm, Garcia, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that they had sent to the Mayor's office a report done by the Rice MBA Team regarding the employment needs of Gulf Coast residents, that they did it on the Council Member's request and hoped that Mayor White had a chance to review it, at least the Executive Summary, and have somebody in their office go through the report, that they made some excellent analysis and suggestions regarding the employment needs of the Gulf Coast residents displaced by Hurricane Katrina. Council Members Galloway, Edwards, Holm, Garcia, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that the Carnival Nightclub continued to be a hot issue in Houston and he appreciated the efforts of some of his colleagues, especially Council Members Ellis, Holm, Garcia and Quan who were getting directly involved in helping them and hopefully there would be some good suggestions coming from their respective committees and their offices, that he wanted to thank Representative Scott Hogburg and HISD Trustee, Mr. Greg Meyers, for taking an interest in the issue, that it continued to be a nuisance, and wanted to share with the residents that TABC had scheduled a hearing on February 17, 2006 and understood the City of Houston would be a party to the protesting of their liquor license and anybody who had direct knowledge or any incidence relating to the current location of the Carnival nightclub they would request they come forward and let them know because it would be very helpful in the TABC hearing. Council Members Galloway, Edwards, Holm, Garcia, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that on this item, if they had to have outside counsel, he wanted the deal out in Sharpstown where they sold Gillman, they were going to do an A job like they had been doing on the issue involving pollution, and Mr. Michel that they would do it. Council Members Galloway, Edwards, Holm, Garcia, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Ellis asked Council Member Khan if each year they had to renew their liquor permit and Council Member Khan stated that he did not know what the TABC requirement was but their liquor permit was up for renewal and they protested it and the TABC had scheduled the hearing and the City would be joining as one of the protestors and Mr. Michel stated that they were going to take a very active role. Council Members Galloway, Edwards, Holm, Garcia, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Ellis stated that he wanted to bring something to the Mayor's attention that was brought to his attention late Monday evening, that he was sent over some information that showed how they managed their patrol officers in different regions of the City, that it was brought to his attention by an executive director for one of the management districts on the Westside, that it seemed to lead to one conclusion and that was that they were understaffed in the Clear Lake, Fondren and Westside area and overstaffed in some of the other regions and it was based off of calls for service, crimes committed and population, that the allegation that was made to him was that all of those areas had contract deputies and so they felt that they were manipulating the system, that he was going to email the Mayor the information, have him look at it and also set him up with the executive director so he could discuss it with him, as well as Chief Hurtt, that he was not saying that was the reason it occurred and was not even sure that the numbers were correct, that he wanted to bring it to the Mayor's attention and did not need a response, he knew the Mayor would address it in the appropriate way. Council Members Galloway, Edwards, Holm, Garcia, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that given the seriousness of it he wanted the Police Department to allocated the most resources where there was the most problem, but every part of the City that paid taxes deserved police protection, but he did not want there to be a whole bunch of politics when it came to allocation and if it had been a factor in the past then it should not be, it ought to be based on crime. Council Members Galloway, Edwards, Holm, Garcia, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Goldberg stated that following on what Council Member Ellis stated, in Fondren southwest they had a lot of contract deputies, a lot of the apartments had them and he thought that since there were deputies there that were paid for the police were pulled out of those areas, that the graffiti signs told him that there were not enough police there, they needed a much stronger presence; that concerning the issue of the tiered process of the apartments he thought they already had something on the books that they could use right now, it was Chapter 125, an ordinance, that said if there were a lot of calls for service to an apartment complex they could do a lot of things, they could fine them, take them to court and make them pay for the calls of service, that they needed to take Chapter 125 and put it into action. Council Members Galloway, Edwards, Holm, Quan, Sekula-Gibbs, Green and Berry absent.

Mayor White stated that was why one of the ideas was that first, they were not keen on the apartment complexes to become magnets for crime, that if Mr. Michel needed the resources they would find them to get the person they needed over at the courthouse, and number two, could there be something where it was required to have a person on site who was a peace officer, not just a security office, from 6:00 a.m. to 6:00 pm., and what was the thresholds of calls for service per number of units, crimes per number of units and violent crimes per number of units, that he would like to do it as quickly as they could, that they had identified the top 50 apartment complexes and had three precincts where they had the murder rate go up, and

Mayor White asked what was the status of Chapter 125. Council Members Galloway, Edwards, Holm, Quan, Sekula-Gibbs, Green and Berry absent.

Mr. Michel stated that he was not sure of the exact number of law suits they had going right now but did know that what they had been able to do was target areas and certain types of business to go after, from the reports he had seen they had been moving, from the Legal end, and had been able to staff all of the situations where they had seen Chapter 125 violations that could be sustained, meaning the types of crimes and level of activity based on what the cases were, and one thing they did was reactive that the cases were brought to them and thought what he could do in very short order this month was to get to Mayor White a report that was going to show a plan of how they approached it, because if they were being held behind because there were not the referrals then they needed to find a better way to address it, the referrals were from HPD, from the different neighborhood groups. Council Members Galloway, Edwards, Holm, Quan, Sekula-Gibbs, Green and Berry absent.

Mayor White stated that maybe they ought to take their five worst apartments with the five worst numbers of aggravated assaults, burglary and rape and ought to have a hearing like Council Member Alvarado and Ms. Marks on pollution and ought to go property by property and everybody involved in the process, Legal, Permitting, Police and residents and start with statistics on the apartments and find out what the problem was, they had already prioritized those apartment complexes. Council Members Galloway, Edwards, Holm, Alvarado, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Wiseman stated that she wanted to extend her apologies to the Bay Area Republican Women's Club who were having their Egg Nog Party today, she had every intention of attending but because she was staying for the duration of the Council session she would not be in attendance and read from the City Council rules and stated that she thought it was important that they all become familiar with the Council rules. Council Members Galloway, Edwards, Holm, Alvarado, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Wiseman announced the following scheduled events:

The Heritage Society 43<sup>rd</sup> Annual Candle Light Tour at Sam Houston Park, it would showcase Houston's beautiful historic homes and would feature storytellers and performances from the Kingwood Middle School Choir and other local children's choirs; the Clear Lake Community would kickoff the holiday session with the 44<sup>th</sup> Annual Christmas Boat Parade on Clear Lake, that it would begin at 6:00 p.m.; that Clear Brook High Visual and Performing Arts Department would perform Scrooge the Musical, Thursday thru Saturday and if they would like more information they could call 281-284-2136; the Kingwood High School Future Farmers of America would host their annual Santa's Farm at the Kingwood Ag Barn on Friday. Council Members Galloway, Edwards, Holm, Alvarado, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Wiseman stated that a 57 year old Kingwood woman, Ms. Pat Maly won first place in her age group at the Iron Man Florida Competition last month. Council Members Galloway, Edwards, Holm, Alvarado, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:15 p.m. Council Members Galloway, Edwards, Holm, Alvarado, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

DETAILED INFORMATION ON FILE IN THE OFFICE OF THE CITY SECRETARY.

MINUTES READ AND APPROVED

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Anna Russell, City Secretary